The Collection of Hindu Law Texts

Vol. II. Part III.

YÂJÑAVALKYA SMṚTI

WITH THE COMMENTARIES OF

(1) The MITÂKṢHARÂ by Vijñanes'vara Bhikṣhu

(2) The VIRAMITRODAYA by Mitramis'ra

AND

(3) The DÎPAKALIKÂ by S'ûlapâṇi

Vyawahârâdhyâya.

Chapters I-VII (Pages 631-976)

An English Translation with notes, explanations etc.

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PREFACE.

As announced last year when the second part of the Achârâdhyâya was published, the first part of the **Vyawahârâdhyâya** is now being issued. This portion consists of Chapters I–VII which give the General and Special Rules of Procedure, the laws of Debt, Pledges, and Deposits, and the provisions as to Witnesses, Documents, and Ordeals. It will thus be seen that the portion now issued in this Part consists of the Procedure or the Adjective law of the Smṛti. The next Part which will consist of Chapters VIII–XXV contains the Substantive portion of the Smṛti.

As announced before, the translation now issued consists of

(1) The Original Smṛti of **Yâjñavalkya.**

(2) The commentary called the **Mitâkṣharâ** by **Vijñânes'vara.**

(3) „ „ „ **Viramitrodaya** by **Mitramis'ra** and

(4) „ „ „ **Dîpakalikâ** by **S'ûlapâṇi.**

In the First Edition which was issued in 1914, only the Smṛti of *Yâjñavalkya* and the *Mitâkṣharâ* were included in the translation.

The two commentaries of the *Viramitrodaya* and the *Dipakalikâ* were subsequently secured from the Library of the India Office. The commentary of the *Viramitrodaya* has also been published in the Choukhamba Sanskṛt Series of Benaras and the *Dipakalikâ* is being published in entirety in this Series. It will be remembered that the translation is being issued in handy volumes of about 400 pages for the convenience of subscribers.

The Second Part of the **Smṛtimuktâphalam** by Śri Vaidyanâtha-Dikṣhita is also being sent out along with this volume.

The next instalment will consist of:

(1) *The English Translation* of the remaining portion of the **Vyawahârâdhyâya** of the **Yâjñavalkya Smṛti**, with the three Commentaries.

(2) The *Sanskṛt Text* of the **Dipakalikâ** by **S'ulapani.**

The assistance of my son Bal has, as usual, been of much use.

Girgaum, Bombay.
15th March 1938

J. R. GHARPURE.
Editor.

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S'RĪ YÂJÑAVALKYA-SMṚTI

TOGETHER WITH THE COMMENTARY CALLED

MÎTÂKSHARÂ

OF

S'RĪ VIJÑÂNES'WARA

AND THE COMMENTARIES

OF

VIRAMITRODAYA BY MITRÂMIS'RÂ

AND

DĪPAKALIKÂ BY S'ÛLAPÂṆI

SECOND BOOK

ON VYAWAHÂRA: POSITIVE LAW.

Chapter I.

OF THE RULES OF PROCEDURE IN GENERAL.

Introductory.

Of a king possessing the (necessary) qualifications of anointment &c. the protection of the subjects is the highest duty; that, (*i. e.* the protection) however, is not possible without punishing the guilty. The detection of the guilty, moreover, is not possible without the administration of justice (Lit. holding a trial). That suits should be tried daily has already been said[1] *viz.* that "a king should attend personally to the administration of justice every day, surrounded by (or with the help of) the Councillors." The various details of a trial *viz.* its nature, its kinds, and its procedure have, however, not been described, and the Second Book is being commenced for describing these.

Yâjñavalkya, Verse 1.

The king, divested of anger and avarice, should administer justice along with learned Brâhmaṇas, in conformity with the principles of legal science.

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1. Achârâdhyâya Verse 360.

Mitâksharâ :—Vyawahárân, &c. *judicial trials &c.* a complaint against another and having relation to one's self is a **Vyawahâra**[1]. As for example—where a certain

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1. The word व्यवहार—has been severally explained from several points of view. viz. (1) Its intrinsic character, (2) Its function, (3) Its functionaries, (4) Its component parts, (5) The means by which a suit is decided, (6) Its kinds, (7) The results, (8) Its defects or flaws &c. and (9) The time and place.

It is therefore necessary to note its aspects from all these points of view:—

I Its *intrinsic character*, Kâtyāyana gives a derivative meaning thus :—

वि नानार्थे **अव** संदेहे हरणं हार उच्यते । नानासंदेहहरणात् **व्यवहार** इति स्मृतः ॥ २६ ॥

Yājñavlkya; स्मृत्याचारव्यपेतेन मार्गेणाधर्षितः परैः । आवेदयति चेद्राज्ञे व्यवहारपदं हि तत् ॥ (व्य. ५)

Vyawahara Mayukha. विप्रतिपाद्यमाननरांतरागताज्ञ नाधर्मज्ञापनानुकूलो व्यापारः (पृ. १ पं १२).

II. The *functional aspects* have been stated by Kâtyâyana (25).

प्रयत्नसाध्ये विच्छिन्ने धर्माख्ये न्यायविस्तरे । साध्यमूलोऽत्र यो वादो व्यवहारः स उच्यते ॥

Nârada., धर्मश्च व्यवहारश्च चरित्रं राजशासनम् । चतुष्पाद्व्यवहारोऽयमुत्तरः पूर्वबाधकः ॥ (I, 10)

III. Its *functionaries.*

राजा स्वपुरुषः सभ्यः शास्त्रं गणकलेखकौ । हिरण्यमग्निरुदकमष्टांगः समुदाहृतः ॥

IV. Its component parts : **Nârada**—(I, 8–9)

स चतुष्पाच्चतुःस्थानश्चतुःसाधन एव च । चतुर्हितश्चतुर्व्यापी चतुष्कारीति कीर्त्यते ॥

अष्टाङ्गोऽष्टादशपदः शतशाखस्तथैव च । त्रियोनिर्व्यभियोगश्च द्विद्वारो द्विगतिस्तथा ॥.

See also Yàjñavalkya Verse 8 further on.

V, VII, VIII. The *means, results,* and flaws. **Nârada** (I, 12–13)

सामाद्युपायसाध्यत्वाच्चतुःसाधन उच्यते । चतुर्णामाश्रमाणां च रक्षणात्स चतुर्हितः ॥

कर्तॄनथो साक्षिणश्च सभ्यान् र जानमेव च । व्याप्नोति पादशो यस्माच्चतुर्व्यापी ततः स्मृतः ॥

पादो गच्छति कर्तारं पादः साक्षिणमृच्छति । पादः सभासदः सर्वान्पादो राजानमृच्छति ॥ (III, 12)

धर्मस्यार्थस्य यशसो लोकपङ्क्तेस्तथैव च । चतुर्णां करणादेषां चतुष्कारी प्रकीर्तितः ॥

Bṛhaspati: केवलं शास्त्रमाश्रित्य न कर्तव्यो विनिर्णयः । युक्तिहीने विचारे तु धर्महानिः प्रजायते ॥

Gautama (११, १९, २३, २५)—'वेदो धर्मशास्त्राण्यङ्गान्युपवेदाः पुराणम्' । also, "न्यायाधिगमे तर्कोऽभ्युपायः । तेनाभ्यूह्य यथास्थानं गमयेत् । विप्रतिपत्तौ त्रैविद्यवृद्धेभ्यः प्रत्यवहृत्य निष्ठां गमयेत्". ।

Bṛhaspati : (६, १७–१८)

द्विप्रकारा क्रिया प्रोक्ता मानुषी दैविकी तथा । साक्षिलेखानुमानं च मानुषी त्रिविधा स्मृता ।

and **Narâda** says घटाद्या धर्मजाता च दैविकी नवधा स्मृता ।

धर्मशास्त्रार्थशास्त्राभ्यामविरोधेन मार्गतः । समीक्षमाणो निपुणं व्यवहारगतिं नयेत् ॥

प्रतिज्ञोत्तरसंशयहेतुपरामर्शप्रमाणनिर्णयप्रयोजनात्मको **व्यवहारः**, **मिताक्षरा** पृ. ३ पं. २६.

VI. Its *kinds* have been given by **Manu** as eighteen, Ch. VIII. 4–7 see page 634 further on. **Nárada** enlarges these to 108. see I. 20.

VII. As to the *result* note this text of **Hârita**

स्वधनस्य यथा प्राप्तिः परधर्मस्य वर्जनम् । न्यायेन यत्र क्रियते व्यवहारः स उच्यते ॥

Aparârka—describes it as 'consisting of the *plaint* of the plaintiff, the *answer* of the defendant, and the evidence' वादिप्रतिवादिनोः क्रियात्मकः ।

Nârada तत्र सभ्ये स्थितो धर्मो व्यवहारस्तु साक्षिषु । चरित्रं पुस्तकरणे राजाज्ञायां तु शासनम् ॥

पादो गच्छति कर्तारं पादः साक्षिणमृच्छति । पादः सभासदः सर्वान्पादो राजानमृच्छति ॥

चौरोऽचौरः साध्वसाधु जायते व्यवहारतः । युक्तिं विना विचारेण माण्डव्यश्चौरतां गतः ॥

IX. As to the *time*, **Kâtyâyana** observes.

आद्यादह्नोऽष्टभागाद्यदूर्ध्वं भागत्रयं भवेत् । स कालो व्यवहारस्य शास्त्रे दृष्टो मनीषिभिः ॥

Brahaspati describes the *place* of justice thus :—

दुर्गमध्ये गृहं कुर्याज्जलवृक्षान्वितं पृथक् । प्राग्दिशि प्राङ्मुखीं तस्य लक्षण्यां कल्पयेत्सभाम् ॥

Vyawahâra defined.

person says that the land &c. is his, and any other also says in contradiction to him, that it is his. The Author indicates its *i. e.* of the *Vyawahâra*-variety by the (use of the) plural. By the word **nṛpa,** *i. e. king,* the Author indicates that this is not the duty of the *kṣhatriya* order alone, but also of any other endowed with the authority to govern the subjects. **Pas'yêt**—*should administer,* &c. is a repetition (by way of corroboration) of what was said before and is intended as laying down a special duty. **Vidwadbhiḥ,** *along with the learned,*—with (the help of) those (who are) well-versed in works on legal science and the *Vedas,* grammar &c.

Brâḥmanâḥ.

Brâḥmanaiḥ, *with Brâhmaṇas,*—not *Kṣhatriyas* or others. By the expression, 'Brâḥmaṇas' introduced by the Instrumental case, their subordination is indicated, from the grammatical aphorism[1] 'conjunctive use with *Saha* (the preposition *with*) indicates subordination.'

Hence, in the case of absence of an investigation, or for a false decision, the fault would be that of the king, and not of the Brâḥmaṇas. As observes **Manu:**[2]—"A king, punishing the innocent (Lit. unpunishable), and not punishing the guilty (Lit. deserving punishment), brings great infamy on himself and goes to hell". By what procedure (should he try suits)? **dharmas'âstrânûsāreṇa,** *in conformity with Dharma S'âstra*[3] (Science of religion and law) and not with the science of politics. The established usage and law of the country &c. have not been separately mentioned, as they form a part of the subject matter of legal science, in so far as they (such usage and law) are not inconsistent with the general principles of legal science. And as the sage **Yâjñavalkya** has said[4] later on, "a custom which is not opposed to law should be carefully maintained, as also the law or usage made or established by the king". **Krôdha-lôbha-vivarjitaḥ,** &c., *divested of anger and avarice* &c.. When it is established that it (*i. e.* the administration of justice) should be in

1. Pâṇini. II,-3-19. (सहयुक्तेऽप्रधाने ।)

2. Ch. VIII. 128.

3. For the extent and scope of the expression *Dharma-S'âstra* see the General Note on the Hindu Law Texts.

4. Bk. II. 186.

conformity with the principles of legal science, the mention of the additional condition (that the king should be) "divested of anger and avarice" is indicative of a *special* injunction (आदरार्थम्)[1] Krôdha *anger*—intolerance. Lôbha *avarice*—excess of greed. (1).

Viramitrodaya.

"The judicial proceedings, he himself should investigate, surrounded by the councillors, every day", what has been thus stated[2] in the last Book, the Author now elaborates in detail by a separate Book.

Yâjñavalkya, Verse, 1.

Here, although the investigation of a judicial[3] trial has been stated in the last Book, still a judicial trial with all its parts being set out in this Book only, it is called the Book on Vyawahâra. There, moreover, these are the Chapters: viz.

I.	Chapter on the Rules of Judicial Procedure. Verses 1–36.	XIII.	Breach of Contract of service. 182–184
II.	Payment of Debts—Verses 37–64.	XIV.	Breach : of Contract. 185–192.
III.	Deposits. Verses 65–67.	XV.	Non-payment of Wages. 193–198.
IV.	Witnesses. Verses 68-83.	XVI.	Gambling and Betting. 199–203.
V.	Documents. 84–94.	XVII.	Slander and Abuse. 204–211.
VI.	Ordeals. 95-113.	XVIII.	Assault. 212–229.
VII.	Partition of Dâya. Verses. 114–149.	XIX.	Sâhasas. 230–253.
VIII.	Boundary Disputes 150--158.	XX.	Non-delivery after Sale. 254–258.
IX.	Disputes between the owners and keepers (of cattle) Verses 159–167	XXI.	Partnership. 259–265.
X.	Sale without ownership. Verses. 168–174.	XXII.	Theft. 266–282.
XI.	Non-completion of gifts. Verses 175–176.	XXIII.	Protection of Women. 283–294
XII.	Rescission of a Sale. 177–181	XXIV.	Miscellaneous. 295--307

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1. The meaning is that the king is asked by the general law that he should administer justice according to religion and law, but in particular he is asked to cast off all anger and avarice.

2. See verse 360 Achāradyāya p. 620 above.

3. Viśvarupa makes it further clear: एकत्वेऽपि व्यवहारस्य स्वकीयविशेषापेक्षया बहुवचनम्। यथाह मनुः 'तेषामाद्यमृणादानम्'—— नारदश्च 'चतुष्पादश्चतुर्व्यापी'—

Vidwadbhi, 'along with the learned', *i.e.*, men well conversant with the principles of legal science ; *brâhmaṇaiḥ*, 'with the Brâhmaṇas'; *saha*, 'along with' ; *nṛpaḥ*, 'the king' ; from anger and avarice being particularly averse; *Dharmaśâstrânusârena*, 'in conformity with *i.e.*, without detriment, to *Dharma* and *S'âstra*, " Dressed in decent attire, the king after going to the court house, with close attention, being seated with face towards the East, should investigate the cases of suitors " in this[1] and the like manner, suits containing the plaint and the answer, *pas'yet*, 'should administer', *i.e.*, should investigate.

By the word *nṛpa*[2] is included one even other than a Kshatriya, who is a protector of subjects. *Brâhmaṇaiḥ* is the principal course. If that is not possible, then along with *Kṣhatriyas* or *Vaiśyas* also, as has been stated before.[3] The particular mention of *Dharmaśâstra* is with a view to point out its chief importance; for in the investigation, the science of polity may also have to be followed. That has been stated by Kâtyâyana[4] : " By those experts in the *Dharmaśâstra* and versed in *Arthaśâstra* ". On a conflict between the *Dharmaśâstra* and the *Artha-śâstra*, however, the greater or less potentiality will be stated later on.

As to the etymology of *Vyawahâra*, Kâtyâyana[5] says:, "*Vi*, has the sense of many; *ava*, means doubt, *haraṇa* or removal is expressed by *hâra*; by reason of the removal of several doubts, it is known as *Vyavahâra*."

That, moreover, of this character is of two sorts. As says Nârada[6] : " Attended by a wager, and not attended by a wager ; this should be known to be of two kinds. It is 'attended by a wager' where a party takes in writing a certain sum which has to be paid besides that in dispute." 'He who is defeated in this proceeding, shall pay so much

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1. See Kâtyâyana Verse, 55.

2. *i. e.* who occupies the position of a Ruler of the people.

3. See Page 621 lines 14-21.

4. Verse 57. By adopting this quotation from Kātyāyana, it is indicated that the study of the principles of Political science was a necessary part of the accomplishment of one to be appointed to investigate cases.

5. Verse 26.

6. Introduction 4. With this aspect of a suit the student may with advantage compare the *Actio Sacramentum* of the Roman Law. The two resemble in both aspects.

penalty to the successful party or to the king' in this or a similar form where a condition or wager like this is laid before the writing down of the Plaint, that is 'a suit with a wager'; one other than this is 'a suit without a wager".

It has been stated: 'in accordance with the *Dharma S'âstra*'; there, the Author mentions the position of the *Dharma S'âstra*, *i.e.*, by reference to the entire treatise. Thus indeed becomes congruous the mention hereafter of the witnesses, disputants, &c., since these are incorporated into the Dharma S'âstra. (1).

S'ulapâṇi

In regard to the Recovery of Debts and several other titles at Law such doubts as arise are removed by this, and therefore, this deliberation which removes doubts as to the several points is called *Vyavahāra* or a Judicial proceeding. So Kâtyâyana:[1]—' *Vi*, has the sense of many; *ava*, means doubt; *haraṇa* or removal is expressed by *hāra*; by reason of the removal of several doubts, it is known as *Vyavahāra*." *Tān*, these judicial proceedings, the Lord of the land, should himself personally investigate, and in company with the Brāhmaṇas knowing the *Dharmaśāstra*. In accordance with the rules of the *Dharmaśāstra* regarding the Plaint, the Answer, the Proof, the Trial and the Decision, and not through anger, or hatred, nor through avarice, nor by partiality. Although it has been said that the king should himself investigate[2] judicial proceedings, still this is a subsidiary[3] condition of the principal point viz. investigation according to the principles of *Dharma Śāstra*. (1)

Yâjñavalkya, Verse 2.

A king should select as his Councillors[4] those persons who have become accomplished by learning and study[5], who know the law, who speak the truth, and who are the same[6] to friends and foes alike. (2).

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1. Verse 26.

2. Verse 360. निर्णयेत्—The use of this expression has the sense of investigation *carried* to a decision.

3. धर्मशास्त्राणि गुणविधानार्थमयमनुवादः—गुण and अनुवाद—The principal of the chief point is गुण, and the subsidiary or subordinate one is अनुवाद.

4. The words *Councillors* and *Assessors* are separately used here to bring out the distinction between नियुक्त (appointed) and अनियुक्त (unappointed). The word सभ्य stands for those who are *appointed*. and has been translated as *Councillors*. The word *Assessors* refers to those learned Brâhmaṇas who voluntarily go to a court and are referred to in verse I, above. Cf. the *Judex*, and the *Recuperatores* of the Roman system.

5. *i.e.* of the Vedâs.

6. *Impartial* to friends and foes as well.

Page 2.

Mitâkṣharâ.—Further, **S'rutēna**, *by learning*, by studying the *Mîmâñsâ* (the science of Interpretation), Grammar etc; and also **adhyayanēna**, *by study*, *i. e.* the study of the Vedâs; **sampannâḥ**, *accomplished*; **dharmajñyáḥ**, *knowing the religion*, *i. e.* those who know religion and the science of law; **satyawādinaḥ**, *who speak the truth*, *i. e.* who have (established) a character for speaking the truth.

Sabhyas (Councillors) described.

Ripau mitre cha ye samâḥ, *same to friends and foes alike*, unaffected by feelings of hatred, love &c. Men of this description should be invested as councillors by the king, after conferring upon them gifts, and other tokens indicative of respect, that they may (become fit to) attend or sit in the meeting or assembly, *sabhâsadaḥ*.

Although the expression 'accomplished by learning and study' has been used without particularisation, still Brâḥmaṇas only (are meant). As says **Kátyāyana**[1] :—"Moreover, he (*i. e.* the king), accompanied by assessors or councillors, who are steady, special scholars, of high parentage, and who are the best of Bráḥmaṇas, who are clever in interpreting the meaning of *Dharma S'âstra*, and who are accomplished in politics."

Those to be selected, moreover, should be three, the plural having been used with a (special) purpose; and also there being a text of **Manu**[2] *viz*:—"In the place where three Brâḥmaṇas, versed in the Vedâs, sit down." **Bṛhaspati**[3], however, intimating that the councillors should be seven, five, or three, observes: "Where, *Viprâs* (Bráḥmaṇas) knowing the usage of the people and the Vedâs, as well as the law, and being either seven, five, or even three, are sitting, that assembly is equal (in Sanctity) to a sacrificial assembly". It should not, moreover, be supposed that (the words) "accomplished by learning and study" and others, are adjectival of Brâḥmaṇas referred to in the last verse in (the expression) "along with Brāḥmaṇas," it being imposisible that words having the Nominative and the Instrumental termination at their end, should be connected as an adjective and the word qualified (by it), as also on account of the possibility of the fault of repetition being committed by the use of the expression "by the learned".

1. Verse 57. 2. Ch. VIII, 11. 3. Ch. I. Verse 11.

Moreover, **Kâtyâyana**[1] has brought out clearly the distinction between the Brâhmaṇas and the Councillors thus :—"A king attains heaven, who investigates disputes according to law, with the help of the Chief Judge, the minister, the religious preceptor, the Brâhmaṇas, and the Councillors." There, the distinction is that the Brâhmaṇas are not appointed, while the Councillors are appointed. Hence also it is said[2] "whether appointed or not appointed, he who knows the law is entitled to speak".

Among these, those who are appointed should advice the king on the facts as they stand, and if he would act otherwise, then they should dissuade him, otherwise they would be guilty. **Kâtyâyana**[3] has also said:—"The councillors who follow him, even when he acts with injustice, are co-sharers with him in it (the injustice); therefore the king should be warned (advised) by them." Of the unappointed, however, the sin occurs only when they speak a falsehood, or do not speak at all; not when they do not dissuade the king. As **Manu**[4] has said :—" Either the court must not be entered, or the truth must be spoken ; a man who either speaks nothing, or speaks falsely becomes sinful (guilty)." **Ripau Mitrê Chêti,** *to friends and foes, &c.*, in this clause by the (use of the) word *cha* is indicated that the court should also have the attendance of a few merchants for the satisfaction of the people. As says **Kâtyâyana**[5] : "Attended by a few tradesmen of good family, free from malice, and possessing the qualification of high birth, character, age, good behaviour affluence, and family tradition." (2).

Viramitrodaya.

There, moreover first, in regard to the statement "along with learned Brâhmaṇas" while explaining the learning, the Author discusses the Brâhmaṇas

Yâjñavalkya, Verse 2.

S'rutam, 'learning', *i.e.*, with the help of the Mimâṇsâ and the like, understanding the meaning; accompanied by that, with the study of the *Veda* and *S'âstra*, accomplished, *i.e.*, possessed. Therefore also *dharmajñâḥ*, 'who know the law', *i.e.*, who are clever in discriminating the *dharma* and the non-*dharma*; and therefore also who have a character for truth-speaking. *Ye ripau mitre cha samâḥ*, 'who are the same to foes and friends alike' devoid of hatred, anger, etc., those

1. Verse 56, see note 4 on p. 636 2. By Nārada. III, 11. 3. Verse 75.
4. Ch. VIII. 13. 5. Verse 58.

Brâhmaṇas should by the king be made councillors, *i.e.*, who will attend the courts. The meaning is that honour and respect, etc., should be so ordained for them that they may attend the court for the deliberations. By the use of word *cha*, ' and ', are included the indifferent.

By the use of the plural number, the Author intends the particular number stated in other Smṛtis. So, moreover, **Manu**[1]: "In the place where sit down three Brâhmaṇas knowing the Vedas." **Bṛhaspati**[2] also: "seven, five, or three may be the Councillors." Really, however, the inclusion of the unappointed Brâhmaṇas having been stated before, even apart from those, this verse is intended to direct others to be made councillors. Hence it is that the Chief Justice, and the ministers, together with the Brâhmaṇas and the Purohits have been stated by **Kâtyâyana**[3]. After premising the investiture, it has been stated: "Attended by a few merchants of good family, possessing the qualifications of high birth, character, age, good behaviour and affluence, and free from malice." By **Manu**[4] also has been said:—"In transactions between tradesmen and artisans, and also among persons subsisting on agriculture, or on the stage, where a decision is impossible to be reached, it should be got done by the experts in the lines themselves." This is only indicative. The point is that whoever is a specialist in a particular matter, by him indeed that matter should be got decided.

Bṛhaspati[5] mentions persons necessary for (a court of) justice: "The king should appoint two persons—an accountant, and a scribe—who know the principles of the science of words and names, have studied the lexicons, who are skilful accountants, who are pure, and who are acquainted with the various alphabets. For summoning and guarding the witnesses, the plaintiff, and the defendant, a truthful and confidential man should be appointed, subject to the authority of the Councillors[6]." (2)

S'ulapâṇi

The Author mentions the councillors

Yâjñâvalkya, Verse 2.

Accomplished with the knowledge and the meaning of the Vedas, and the study of the Vedas; who know the *Dharma śâstra*; and who by habit

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1. Ch. VIII, 11. 2. Ch. I. Verse 11. 3. Verse 58.

4. This verse is not found in Manu; see however Bṛhaspati I. 26. See *Raghunathji Tarachand* vs. *Bank of Bombay* I. L., R. 34 Bom. 72, at p. 78.

5. Ch. I. Verses 14, 15.

6. सभ्याधीनः

are truth-speakers; those who are of an even mind towards an enemy as also to a friend; such should be appointed councillors.

Kâtyâyana[1] states a special rule: "He, moreover, accompanied by councillors, who are steady, special scholars, of high parentage, and who are the best of Brāḥmaṇas, who are experts in the *Dharma Sástra,* and are accomplished in the science of polity; along with the chief judge, the minister, the religious preceptor, the Brāḥmaṇas, and the councillors, the king who investigates disputes, attains heaven, and retains it according to Dharma." (2)

It has been laid down that 'the king should administer justice'; the Author mentions a secondary course

Yájñavalkya, Verse 3.

Unable to attend to the administration of justice on account of other engagements, by a king should be appointed (in his place) to work along with the Councillors, a Brāḥmaṇa, knowing all laws.

Mitâkṣharâ :—On account of his being engrossed in other works, **vyawahârân apas'yatā**, *unable to attend to the administration of justice*; **nṛpeṇa**, *by a king*; **sabhyaiḥ saha**, *along with the Councillors,* referred to above, **sarvadharmavit**, *knowing all laws,* all laws *i. e.* laws laid down in the *S'âstrâs,* as also the customary laws; knows *i. e.* (considers) discriminates; such a one is he who knows all laws; **Brâḥmaṇa**, *a Bráḥmaṇa, and not a kṣhatriya or any other*; **niyoktawyaḥ**, *should be appointed,* for deciding disputes.

Moreover, such a one possessing the particular qualities laid down by **Kátyáyana**[2] should be made. Says he :—"He should be self-restrained[3], high-born, impartial, not overawing, calm, god-fearing, religious, and devoid of anger."

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1. Verses 57, 58.
2. See Verse 64.
3. दान्तं. The other reading is दक्षं vigilant.

Page 3.

In the absence of a *Brâhmaṇa* of this description, he should appoint a Kṣhatriya, or a Vais′ya, but not a S′ûdra. As says **Kâtyâyana**[1]:—" Where a Brâhmaṇa is not available, he (*i. e.* the king) should appoint a Kṣhatriya, or a Vais′ya who knows the *Dharma S′âstra*; a Sûdra should be avoided by all means."

By **Nârada**[2] also this very thing has been indicated prominently :—"Placing before him *Dharma-S′âstra*, and adhering to the opinion of the Chief Judge, with a calm mind (or concentrated attention), he should decide suits in due order." 'Adhering to the opinion of the Chief Judge, i. e. not posting himself in his own opinion. As in the expression, 'the king observes the enemies' army with the eyes (in the form) of spies', the term Chief Judge is here used in its etymological sense. He who questions the plaintiff and the defendant is a prâṭ; and he who sifts or discriminates their statements, the inconsistent from the consistent along with the assessors, a vivâka; he who is a *prâṭ* as well as a *vivâka* is a Prâdvivâka. Moreover, it has been said:[3] "He is called **Prâdvivâka,** because, after consulting him, the king, in company with the councillors, decides disputes after an inquiry relevant to the matter at issue. " (3)

Viramitrodaya.

" Judicial proceedings he should himself personally investigate " thus it has been stated in the last book. When, however, that is not possible, the Author mentions a course

Yâjñavalkya, Verses 3.

Owing to being absorbed in concentrating himself upon other matters and therefore unable to investigate judicial proceedings, by such a king, along with the councillors, a Brâhmaṇa knowing all laws and rules useful for a lawsuit should be appointed for the purpose of investigating law suits. This is the meaning. Here **Kâtyâyana**[4] states a

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1. Verse 67.
2. Ch. I. 35.
3. By Vyâsa. See Smṛti Chandrikâ, P. 17, L. 3.
4. Verse 64.

special rule. "One who is self-controlled, well-born, impartial, not likely to create distrust, who is firm, afraid of the next world, devoted to religion, industrious, and devoid of anger." In the absence of such a Bráhmaṇa, a Kshatriya, or a Vais'ya should be appointed, so has been stated above.

So says **Nārada**[1]: "The affairs of the ascetics should be got determined by only those who are learned in the three lores, as also of those who are versed in sorcery and witch-craft; and not himself, for fear of creating resentment." The meaning is that those from whose anger there may occur danger, the investigation of (the disputes of) these should be caused to be made through men of their kind alone.

Even when a determination is made by himself, the co-operation of the Chief Judge is certainly contemplated. So observes **Nārada**[2]: "Placing before him the *Dharma-S'âstra*, and addhering to the opinion of the Chief Judge, he should decide suits in due order, with a calm, *i.e.*, concentrated mind." (3).

S'ûlapâṇi.

When the investigation of disputes is not possible to be made by himself personally, the Author states a course

Yâjñavalkya, Verse 3.

One knowing well all laws *i. e.* of the country, the caste, and the rest. In the absence of a proper Brāhmaṇa, a Kshatriya, or a Vaiśya may even be appointed, as says **Kâtyâyana**[3]: "If a learned Brāhmaṇa be not available, one may appoint there a Kshatriya, or a Vaiśya who knows the Dharma śāstra; a śudra, one should avoid with effort." So also **Manu**[4]: "A Brāhmaṇa who subsists only by the name of his caste (*jāti*), or one who merely calls himself a Brāhmaṇa, may interpret the law of the king, but never a S'udra. Of that king the administration of whose laws is made by a S'udra, the kingdom will sink (low) like a cow in the mud." (3)

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1. Not found in Nārada, but see Bṛhaspati, I. 27.
2. Ch. I. 35.
3. Verse 67.
4. Ch. VIII. 20-21.

The Chief Judge and the other councillors if out of passion &c. decide a dispute in departure from the dictates of the Smṛtis, then what should a king do? so the Author says

Yâjñavalkya, Verse 4.

4. Out of passion, avarice, or even through fear, councillors acting in departure from the rules of the Smṛtis or from a similar cause, should each be separately punished with a fine double of that in dispute.

Mitâksharâ :—Moreover, the aforesaid **Sabhyâḥ**, *councillors*, on account of the uncontrolled sway of *Rajas*[1] or passion, being affected by it, **râgât**, *out of passion, i.e.*, on account of excessive attachment; **lobhât**, *from avarice, i.e.*, on account of excess in greed; **bhayât**, *from fear*, or on account of excessive tribulation, **smṛtyapetam**, *in departure from the Smṛtis i.e.* opposed to the Smṛtis. The term **Âdi** *or from a simliar cause*, indicates doing something which is a deviation from custom; **pṛthak pṛthak**, *severally*, each one severally. **Vivâdât**, *of that in dispute*, of the amount accruing as damages on account of a defeat in the suit; should be punished with a *double of the fine*, **dwigūṇam damam**; not however (double) of the amount which is the subject matter of dispute. If it were so, there would be the possibility of an absence of fine in disputes regarding adultery or seduction and the like. The use of the words passion, avarice and fear is to limit the double fine to (the cases of) passion &c. only, and not to (extend it to the case of) ignorance, mistake &c.

Moreover, let it not be supposed in consequence of the text of **Gautama**[2] viz. "a king has power over all, excepting Brāhmanas," that *Brâḥmaṇas*, are exempt from punishment, as the text is intended to be eulogistic only. * [P. 3. L. 16.]

As to what has been said[3] *viz.*, 'that he (*i.e.* a *Brâḥmaṇa*, should be exempted by the king from six (punishments), *viz.* that he should not be killed, imprisoned, punished, exiled, deported or

1. The second of the three qualities *viz. Satva, Rajâs* and *Tamas*.

2. Gautama 11, 1.

3. Gautama VIII. 12, 13.

made destitute (deprived of his effects),' that holds in the case of one[1] "who is a well-read scholar, one who knows the usages of the people, who is versed in the Vedas and the Vedangas, who is an expert in the art of controversy (or in expounding controversial points), in History and the Purāṇas, who is a constant student of the same, and who follows them in life, who is purified by the forty-eight purificatory ceremonies,[2] who devoutly observes the three duties[3], or one who has been trained in the six[4] customary duties of life." Thus it (*i.e.* the exemption) applies only to one who has acquired a versatility of knowledge as detailed above and not to any Brâhmaṇa merely as such. (4)

Viramitrodaya.

For the Councillors giving an unjust decision, punishment should be administered by the King ; so the Author says

Yâjñavalkya, Verse 4.

On account of being oppressed by passion, etc., in departure from the *Smṛtis*, *i.e.*, opposed to the *Smṛtis*—by the use of the word *âdi*, etc., 'opposed to the usage of the country' &c. also should be included. *Sabhyâḥ*, 'Councillors', for the purpose of investigation appointed to the assembly, as far as the Chief Judge, *pṛthak pṛthak*, 'separately' each one, *vivâdât*, 'of that in dispute, consequent upon a defeat in the dispute under consideration, from the penalty in the form of an imposition of a money fine, *dwiguṇam damam*, 'double the penalty', *daṇḍyâḥ*, 'should be punished', *i.e.*, should be made to pay.

By the use of the word *api*, 'or also', are included those not known. So says **Kâtyâyana**[1] : "After correctly comprehending the result of the suit, the Councillor should then speak ; otherwise one must not speak ; he who speaks gets twice the penalty. By reason of the

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1. Gautama VIII. 4-11.

2. *viz.* Gautama details these at Ch. VIII. 14-22.

3. These are : study, sacrifice, and almsgiving (अध्ययनेज्यादानानि).

4. These are : the three last with the addition of अध्यापनयाजनप्रतिग्रहाः Teaching, officiating at a sacrifice, and receiving gifts. See *Yâjñavalkya* I. 118.

5. Verse 80-81.

fault of the Councillor, whatever is lost, should be replaced by the Councillor as it was before; a dispute, however, when settled by the disputants themselves, one should not investigate."

Thus what has been decided after a proper deliberation may be considered again, and no penalty (should be imposed) out of irritation due to the defeat of the plaintiff.

There, "Councillors declaring an unjust decision, and similarly those who subsist on bribes, as also those who are guilty of a Breach of Trust, all these must certainly be banished", the (rule of) punishment thus declared by Bṛhaspati should be observed. (4).

S'ulpaṇi

Yâjñyavalkya, Verse 4.

These, the councillors declaring falsely, should each be punished with the penalty double that for the defeated party. By the use of the word *api* 'even' is included one digressing away from the judicial proceeding (4).

The Author mentions the nature of a *Vyawahāra*

Yâjñavalkya, Verse 5.

If one injured by others in a way which is a violation of the (laws of) Smṛtis and usage, informs the king, that becomes a (fit) subject for a Judicial Proceeding. (5)

Subject-Matter of a suit.

Mitâksharâ :—**Mârgēṇa,** *in a way,* opposed to legal science and general usage, **paraiḥ**, *by others,* **âdharshitaḥ**, *injured, i.e.* attacked; which, **râjñe,** *to the king,* or to the Chief Judge, **âvedayati,** *informs, i.e.* respectfully complains, **Chet,** *in case, of that,* **tad,** which forms the complaint, is the *subject matter of a judicial proceeding,* **Vyawahârapadam. Vyawahâra** or a *judicial proceeding* is that which has for its component parts, the plaint, the answer, the doubt, reasons, deductions, the evidence, the decision and the reasons thereof; its **pada,** its (*i. e. of Vyawahàra*) subject. This is its general definition.

That (*Vyawahâra*) morever, is twofold: a plaint founded on suspicion, and a plaint founded on facts. As says **Nârada**[1]:—" A

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1. I. 27.

plaint is known to be of two kinds ; a plaint founded on suspicion, and a plaint founded on facts ; (on) suspicion in consequence of (defendant's keeping) bad company ; (on) facts, when the stolen goods have come to light". By *Hodhā* is meant, the goods stolen or any other evidence (thereof). By " goods coming to light ", therefore is meant, tracing (the offence) by circumstantial or direct proof. A plaint founded on facts is moreover two-fold ; (1) Containing the statement of a denial ; and (2) containing the statement of an active wrong (by the defendant). As *e. g.* " Having taken gold &c. from me, he (the defendant) does not give it back.", "He (the defendant) deprives me of my land &c." **Kâtyâyana**[1] also has said :—"who *does not* himself wish to do what is just, or *does* an unjust act."

This (*Vyawahâra*) moreover is divisible into 18 kinds. As says **Manu**[2]:—"Of these (1) the first is the Recovery of debts ; (2) Deposit, (3) Sale without ownership, (4) Concerns of several partners together, (5) and Resumption of gifts. (6) Non-payment of wages, (7) Breach of contract, (8) Rescission of sale and purchase, (9) Disputes between the owner (of cattle) and his servants ; (10) the law of Boundry-disputes, (11) Assault, (12) and Slander ; (13) Theft, (14) Heinous offences. (15) Adultery or seduction ; (16) Duties of husband and wife ; (17) Partition ; (18) and Gambling and betting. These are in this world the eighteen topics of Judicial Proceedings. Even these have become multiplied into many more by the varieties of the points at issue. As says **Nârada**[3] :—"Their branches amount to one hundred and eight. It (a judicial proceeding) is said to have a hundred branches on account of the multifariousness of human transactions."

* Page 4.

The author points out that by the expression 'if he informs the king' is meant, he himself voluntarily goes and informs, and not under instigation of the king or his servants. As says **Manu**[4]:— " Neither the king or any servant of his shall themselves cause an

1. Verse 139. न्यायस्थं is another reading.
2. Ch. VIII. 4-7.
3. I. 20.
4. Ch. VIII. 43.

action (lawsuit) to be started, or hush up one that has been brought by another."[1] Paraiḥ, *by others, i. e.* by one, two, or many others; the Author indicates hereby that a dispute may arise between one man, and one, two, or many men. The text of Nârada *viz.*—"Men conversant with law lay down that disputes between one and many, with women, and with servants, are inadmissible as a suit" refers to suits having different causes of action.

By the expression 'informs the king' is also meant 'that clad in a decent or simple dress, the plaintiff should inform the king' when questioned by him. When the complaint is proper, (*i. e.* according to law), then the summoning of the defendant by sending a seal &c., and the non-summoning of those that are beyond the court's jurisdiction, or exempt from it (as being afflicted with disease) being evident from the context, has not been expressly mentioned. This, moreover, has been clearly laid down in another Smṛti[2]: "At the (proper) time, he (*i. e.* the king or his proxy) should thus inquire of the applicant[3] standing and speaking before him: what is your suit for, and what is your grievance? Don't fear, speak, O man! By whom, where, when and for what (have you been) troubled? Thus should he ask one who has come to the court. Thus interrogated, what he speaks (as his grievance) he (*i. e.* the king) should consider along with the Councillors and the Brâhmaṇas; and if the complaint be proper or one according to law, (an order bearing) the seal, or a messenger, should be sent to summon him (defendant).

Cases where summons may or may not issue.

"The king should not cause to be summoned a person who is afflicted with a disease, a minor, the old, one in difficulty and one engaged in (religious) duties; (nor) a person who would suffer great loss[4] if he were summoned, a person afflicted with pain (caused by the separation of relations); persons engrossed in the king's service, or in celebrating festivals; the

1. The Bâlambhaṭṭi and the Vis'wes'wari give an alternative meaning thus: "nor should he accept a plaint presented unjustifiably by a party."

2. Kâtyâyana Verses 86–88.

3. Plaintiff:—*Lit*: one who pleads his cause in court. The reading given in the foot-note is adopted: another reading is 'standing in a humble posture.'

4. Bâlambhaṭṭi P. 9 L. 5 &c.

intoxicated; persons possessed by evil spirits; idiots or the insane; the aggrieved, or persons who are dependents; (nor) a young and helpless woman, a high-born lady, a woman recently delivered, a maiden belonging to the highest tribe; (because) these females are declared to be dependent on their tribes. [1]A summons is allowed against women upon whom their families are dependent, profligate women, and those who are prostitutes, as also against such as are of low birth or are degraded. Taking into consideration the time and the place, as also the importance or otherwise of the cause, the king may cause even the infirm &c. to be summoned and brought comfortably by means of conveyances. He may even summon, in weighty matters, hermits and the like, who have retired into the woods, after[2] notice of the complaint[3] taking care however that he thereby does not give any offence."

Exceptions.

The law of arrests which is plain in itself, has been laid down by Nârada[4]:—"A plaintiff should arrest a defendant who absconds when the cause is about to be tried, and one who disregards the plaintiff's words, until the legal summons has been issued. Confinement to a place, arrest for a limited time, restrictions regarding travelling, and prohibition from a specific act; this is the fourfold division of arrests. One subjected to an arrest must not transgress it. If one arrested at a time proper for arrests transgresses his arrest, he should be punished. One who, in causing an arrest, acts improperly, shall also be liable to punishment. One arrested while crossing a river, or in a forest, or in a bad country, or during a great calamity, or while in similar predicaments, commits no fault by transgressing his arrest. One about to marry, one oppressed by a disease, one about to offer a sacrifice, one afflicted by a calamity, as also one (already) accused by another, and one engaged in the king's service; (as also) cowherds engaged in tending cattle, cultivators in

Arrest.

The four-fold division of arrests.

1. Verses 97, 98.

2. 'At their leisure and by means of conveyances' *Bâlambhaṭṭi*.

3. ज्ञात्वाऽभियोगं—or it may also be rendered "having ascertained the importance of the complaint."

4. I. 47-54.

the act of sowing the crops, artisans while engaged in their own occupations, and warriors during warfare.

Arrest means a restraint by the king's orders. The weak and others (exempted) shall depute their son or some other relative; and these (relatives) will not become liable for speaking without authority for another, as will be seen from the text of Nârada[1]: "He, who is not either the brother, the father, or the son, nor is one acting under an order or authority of another, and speaks for him, deserves punishment; as does he who makes contradictory statements in judicial proceedings." (5).

*PAGE 5.

Viramitrodaya

The investigation of a Judicial Proceeding (*Vyavahâra*) being dependent on the knowledge of the subject of a judicial proceeding (*Vyavahâra-vishaya-jñâna*) the Author mentions generally the subject of a *Vyavahâra*

Yâjñavalkya, Verse 5.

Mârgeṇa 'by a way', *i.e.*, means which is outside the *Smṛtis* and good usage; *parairâdharṣhitaḥ*, 'by others injured', *i.e.*, outraged; *râjñe*, 'to the king', of the attack by another, *âvedayati*, 'informs', *tat*, 'that', then becomes *vyavahârasya padam*, 'the subject for a judicial proceeding', such as the Recovery of Debts and the like.

By the use of the word *chet* 'if', it has been indicated that the initiation of a dispute should not be started by himself. That has been stated by Manu[2]: "Neither the king nor any servant of his shall themselves cause any action (law suit) to be started, or hush up one that has been brought by another." The reading *yad*[3], 'which', is approved of Mis'ra and others. Which, *e.g.*, the Recovery of Debts and the like he informs that should be utilised.

The plural in *paraiḥ*, 'by others', is where the matter at issue is one. Where, however, the points at issue are different, the text of Nârada[4] applies: "Of one with many, against women, or against agents, a dispute is admissible."

1. Ch. II. 23;
2. Ch. VIII. 43.
3. In the place of *chet* (चेत्) if.
4. Ch. II. 12. first quarter.

By the use of the word *hi*, 'indeed' it is intended that what has been complained of, must necessarily be investigated. There, Bṛhaspati[1] mentions a special rule "The preceptor and the pupil, the father and the son, the husband and the wife, the master and servant, of these when brought together, a dispute is not permissible. Of one with many, with women, and with servants, a dispute is inadmissible, as has been declared by the learned. That which has been excluded by the king, as also that which is likely to be against the interests of the citizens, or of the nation in entirety, as also similarly of the subjects. Others also as are antagonistic to (the interests of) the City, village, and the people in general, all such disputes have been declared as inadmissible."

That subject of a judicial proceeding, moreover, generally is of two kinds, from a plaint founded on suspicion, and a plaint founded on certainty. A plaint, moreover, is two-fold, in the form of an assertion and in the form of a denial; as 'my gold has been taken away by him', and 'Having taken money as a loan from me, he does not give.' As says **Kâtyâyana**[2]:—"What is just, he himself does not wish to do, or who does what is unjust". **Manu**[3] particularly classifies the topics for a judicial proceeding thus: "Of these, (1) the first is the recovery of debts, (2) deposits, (3) sale without ownership, (4) concerns of several partners together, (5) and resumption of gifts, (6) non-payment of wages, (7) breach of contract, (8) rescission of sale and purchase, (9) disputes between the owner (of cattle) and the cowherds, (10) the law of boundary disputes, (11) assault, (12) slander, (13) theft, (14) heinous offences, (15) adultery or seduction, (16) duties of husband and wife, (17) partition, (18) gambling and betting; these are in this world the eighteen topics of Judicial Proceedings." (5).

S'ulapâṇi.
Yâjñavalkya, Verse 5

In a way outside the *Smṛtis* and good usage, one pursued by another, either monetarily or bodily, one complains when troubled, that is the point for the investigation by a Judicial Proceeding. That is of eighteen kinds. so says **Manu**[3]: "Of these (1) the first is the recovery of debts, (2) deposit, (3) sale without ownership, (4) concerns of several partners together. (5) and resumption of gifts, (6) Non-payment of wages, (7) breach of contract, (8) rescission of sale and purchase, (9) disputes between the owner (of cattle) and the cow-herd, (10) the law of boundary disputes, (11) assault, (12) slander, (13) theft, (14) henious offences, (15) adultery or seduction, (16) duties of husband and wife; (17) partition;

1. See Nârada II. 12, last quarter.
2. Verse 139.
3. Ch. VIII. 4–7.

(18) and gambling and betting; these are in this world, eighteen topics of a Judicial Proceeding.

By the expression if he 'informs', is meant that by himself a dispute should not be started. **Bṛahaspati** states a special rule, "The preceptor and the pupil, the father and the son, the master and servant, of these if brought in conflict together, a judicial trial cannot be admitted" (5).

When the defendant is brought by one of the (three) modes, *viz.*, by the signet, the written order, or the messenger, what further should be done? So the Author replies

Yajñavalkya, Verse 6.

In the presence of the defendant should be reduced to writing whatever is alleged by the plaintiff, and marked with the year, the month, the fortnight, the day, the name, the caste, and the like.

Mitâkṣharā :—What is asked for is the **artha,** (the relief sought) the object to be accomplished; and **a** plaintiff (*Arthī*) is the one who sets it up. His opponent is **pratyarthî,** the *defendant.* *Before,* **agrataḥ, tasya,** (of) *him, i. e.,* in the presence of him, **lekhyam,** *shouldbe written,* should be reduced to writing. **Yathâ,** *whatever,* in which mode *i. e.,* as alleged before at the time of making the first complaint; and not otherwise; for in that case on the ground of departure (from the first complaint) the trial would be vitiated. For[1] "one who alters his former statement, one who shuns the judicial proceeding, one who does not put in an appearance, one who makes no reply, as also one who absconds after being summoned; these are the five varieties of a faulty (*Hīna*) litigant."

The Characteristics of a Plaint.

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1. Nârada II. 33. **Kâtyâyana** states the several amercements for these; thus : see verse 202.

अन्यवादी पणान् पंच क्रियाद्वेषी पणान्दश । नोपस्थाता दशाद्वौ च षोडशैव निरुत्तरः ॥
आहूतप्रपलयी च पणान् ग्राह्यस्तु विंशातिम् ।

P. 5. L. 9. The allegations of the plaintiff having been once reduced to writing at the time of the first comp'aint, it might be said that writing it over again would be meaningless, so the Author says: **Samâmâsetyâdi**, *year, month &c.*—marked with the year, month, fortnight, date, day &c., as also bearing the names of the plaintiff and the defendant, and their castes such as Brâhmaṇa &c. By the word **Âdi**, *&c.*, are also included the amount, the quantity, place, time, reason for forbearance[1] and the like (*Adîni*). As has been said[2] :—

P. 5. L. 12. "That is termed a plaint or complaint, which is presented or made to the king, and which contains (the *Artha*) the cause of action, which is in accordance with the law, which is complete and devoid of confusion, which contains the point at issue, which is couched in significant language, and which is consistent with the claim made out; (which is) intelligible, not inconsistant, certain, capable of proof, concise yet bringing out the whole cause of action, not impossible in regard to place or time; which contains the year, the season, the month, the fortnight, the day, the time, the country and the particular district, the village, the house or dwelling place, the point at issue, the designation, the caste, the personal description and age; which contains the measure and quantity of the object to be secured, the names of the plaintiff himself and of the defendant, and (which is) marked with the names of the ancestors of himself and of the defendant respectively, as also with the names of kings; (which contains) the cause[1] of forbearance and the injury done to self (the plaintiff); in which are mentioned (the names of) the grantee and the grantor." *Bhâṣhâ* is the same as *Pratijñâ* or *Pakṣha.* It has no other meaning. The point to be noted is that at the time of the first complaint, only the cause of action is written, while in the presence of the defendant, the year, the month, and other particulars are written.

P. 5. L. 19. Although the specification of the year is not necessary in all proceedings, still it is essential in trials concerning deposits or pledges, gifts, and sales, on account of the text:[3] "In the case of pledges, gifts, or

1. क्षमालिंग—Reason for forbearance—*i. e.* where the suit is apparently brought after the proper time, plaintiff has to explain the delay.

2. Bâlambhaṭṭi refers to this as the text of Nârada, but it is not found there.

3. Yajn. II. 23.

sales, prior transactions have preponderance". And also in money disputes, such as in a case where a certain definite amount was brrrowed by a certain person and was repaid in the same year, and again in another year the same amount was borrowed by the same person, but on demand he sets up repayment, the utility of the prescribed rule would be that payment and repayment in another year would be proved. The same (rule) would apply in the case of months. The provisions regarding (the specification of) country, place &c. however, apply only in transactions concerning immovables, on account of the (following) text.[1]: "In suits for immovable property, these ten (particulars) should be entered in the plaint *viz.* the province, the village or town, so also the particular site, the caste and names (of plaintiff and defendant), the names of neighbours, the measurement and (descriptive) name of the field, the names of the father, the grand-father &c. as also a description of former kings." *Country, e, g.* Central Province &c.; *Place* or village such as Vàrânasi &c.; *Particular site i.e.* house, field &c. of the same village (town) properly identified and marked out by the specification of boundaries on the East, West, &c. *Caste—i. e.* of plaintiff and defendant such as Brāḥmaṇa &c. *Name—i. e.* Dêvadatta &c. *Neighbours i. e.* people residing on the adjoiuing land. *Measurement i. e.* of land such as a *nivartana*[2], *Name of the field*—such as—a rice-field, or a rotation-crop field; black-field, white-field &c. And also names of the *father* and *grandfather* of the plainfiff and the defendant; and also a *specification of names* of the three previous *kings*. The object intended is that the year, month &c., in each transaction should be written as much only as is necessary for that transaction.

* Page 6.

Such being the characteristics of a plaint, those (plaints) which are wanting in these essentials, but present an illusory appearance of a plaint, are evidently *vicious plaints,* and so vicious *plaints,* have not been separately mentioned by the Lord of Yogis[3] (*Yogis'wara*).

Others[4] have mentioned for the sake of (greater) clearness: " The king should discard a vicious plaint, which, is impossible, does

1. of Kâtyâyana. 127, 128.
2. *i. e.* 20 rods.
3. *i. e.* the sage *Yâjñavalkya.*
4. see Bṛhaspati III. 6, 9, 10; and Kâtyâyana 160.

not disclose any injury (to plaintiff), is meaningless or causeless, cannot be proved, and which is contradictory." *Impossible,* as *e.g.* 'the defendant having taken my hare's horn, does not return it,' *Containing* or *disclosing no injury,* as *e. g.* 'the defendant moves about in his house in the light of the lamp of my house". *Meaningless, i. e.* devoid of a definite meaning *e. g.* ka, cha, ṭa, ta, pa, ja, ḍa, da, ba, &c. *Causeless,* as *e.g.* this Devadatta reads in a charming voice near my house &c. *Incapable of proof,* as *e.g.* "I was ridiculed by Devadatta with the knitting of his brows"; this is incapable of proof on account of the impossibility of the means (to prove it). Having a transitory character, (there is) no possibility of (obtaining) a witness much less a writing; nor, being trifling, would it (the fact) be amenable to an ordeal. *Contradictory,* as *e.g.* "I was abused by a dumb man" &c. Or such as are opposed to the (usage of the) town, nation &c.

L. 8. These are refutable by their very nature, and therefore are not specified. Even here "the *impossible* &c.," are selected as illustrations for the sake of explanation,[1] that too does not put away a plaint which is a combination of several counts. "All the following plaints are declared as inadmissible, *viz.* that which is prohibited by the king, which is hostile to the (interests of) citizens, or to the whole nation, or to the ministers; as also others which are hostile to the usages of the city, town or eminent citizens"

L. 13. It has been said above that "a complaint which joins together several causes of action is not allowed"; but there would be no fault in such a case, if it is expressly described as a plaint 'mixed up of many objects', it being unobjectionable to allege that "my gold, clothes, or silver has been taken away by this man."

1. व्युत्पत्ति :—Means a clearer explanation by drawing attention to the component parts of the sentence or words, as opposed to a rough, or general, or popular conception. It is the same as तत्वतः ज्ञानं sometimes used elsewhere.

The meaning is that we know, without this text, that plaints which are अप्रासिद्ध are पक्षाभासs and must be rejected; still the text is used to make the gist of the meaning of the word पक्ष clear. By व्युत्पत्ति here is meant the व्युत्पत्ति of the word पक्ष. तद्पि, still these several texts (denoting पक्षाभासs) do not include the case of अनेकपदसंकीर्ण. For it is not a case of पक्षाभास at all, as the only defect of that plea is that it cannot be gone into simultaneously.

If it be said that a plaint becomes vicious on account of mixing together several counts in suits for 'the recovery of debts' &c., that too will not hold. For, the plaint is allowable which contains averments like the following, viz. 'He borrowed my rupees at interest', 'I delivered gold into his hand' and 'he deprives me of my field.' Only (in such cases) on account of a difference in the causes of action the trials are held separately in succession and not all together. As says Kâtyâyana[1]: "A king, desirous of arriving at the truth, may undoubtedly admit even that plaint which contains several counts, but which is in conformity with the principles of law." Therefore the meaning of the rule is, that a plaint containing several counts will not be allowed to be established in all the counts at one and the same time.

The word (*Arthī*) plaintiff, includes his son, grandson &c., as they have a common interest. One specially appointed as an agent, is also presumed to have an identity of interest on account of the appointment, according to the text[2]—"If one is deputed by the plaintiff or is chosen by the defendant as his representative, his success or defeat is regarded as that of the party for whom he (the representative) pleads." The success or defeat of the agent or representative is of the original principal only.

L. 21.

This, moreover, should be jotted down upon the ground or on a board with white chalk, and after it has been revised and corrected by rubbing off and rewriting, it should be written down upon a paper, according to the following text of Kâtyâyana[3] viz. "The *Prâḍvivâka* or the Chief Judge should get down the plaintiff's statement, as made by him in his own way, on a board in white chalk, and then on a paper, after it has been revised." The revision and correction should be made only while yet the answer (of the defendant) has not been filed, and not thereafter, as otherwise there is the fear of the proceeding never ending.

1. Verse 137.

2. Of Nârada I. 22.

3. Verse 131.

Hence **Nârada**[1] has said: "He (*i. e.* the Judge) may make corrections in the complainant's first complaint so long as the answer is not received; being stopped by the answer, the correction should cease." If the Councillors cause an answer to be filed without revising the plaintiff's first complaint, then the Councillors should be punished according to the punishment laid down in the text[2] (*Râgâllobhât &c.*) "out of passion, avarice &c.", and the trial should be re-commenced by the king, commencing with the solemn affirmation.

Viramitrodaya.

Such a Judicial Proceeding has four feet (or parts), so as the Author will state hereafter, there, first in the part regarding the Plaint, the Author states the function of the king[3]

Yâjñavalkya, Verse 6.

Arthinâ, 'by the Plaintiff', *Pratyarthino-agrato*, 'in the presence of the Defendant' should be caused to be written. *Samâ*, 'the year'; *mâsaḥ*, 'month' is well-known; *tadardham*, 'half of that', *i.e.*, the fortnight; *ahaḥ*, 'the day', these are the periods for a plaint, *i.e.*, these periods of time are for the part dealing with the Plaint. *Nâmajâti*, 'name and caste', *i.e.*, of the Defendant, as also of himself.

By the use of the term *A'di*, 'and the like', are included, the quantity of the amount and the like stated by **Kâtyâyana**[4] thus: "The amount of the claim, the material and the quantity; similarly the name of oneself and also of the kings in successive order, of the place of residence, also the name of the object in dispute, and in genealogical order the names of ancestors, the (nature of the) injury, the grantor and the grantee, and also other causes for forbearance—these should be stated in the plaint, and (the plaint) constituted.

By this—"In such and such a year, such and such a month, of myself by name such and such, the grandson of such and such, the son of such and such, and of a particular caste, by such and such a one, the

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1. Not found in Nârada; but see Bṛhaspati III. 15.

2. Yâjñ. II. 4. p. 643 above.

3. *i.e.*, either the king himself when personally attending to the investigation or the Judges appointed by him.

4. Verses 125, 126.

grandson of such and such, the son of such and such and by name such and such, within the territory of such and such a king, so much quantity of gold was taken as a loan, for the repayment of that, a demand was not made by me upto such and such a time out of regard for his friendship; or was demanded in the last year, &c., thus, containing these and like recitals comes to be the body of the written complaint to the king. But there, 'you owe me a hundred of gold, you having obtained from me as much amount as a loan', is the body of the Plaint, 'You should give', is the expression of the relief, while the rest is useful for a decision. Thus, where as much portion of the complaint becomes established, so much should be stated by the Plaintiff in the plaint, and be caused to be written by the king, otherwise it should be noted that there may be the fault of an undisclosed proof. The magnitude of the amount as also an excessive cause of trouble may also be included in addition. In regard to that also, justice which is asked for, must be included in the first information.

'By the plaintiff'—this is where it is possible. When, however, he is not available, says Nârada[1]: "If one be deputed by the claimant, or chosen as his representative by the defendent, he for whom he speaks, of those shall be the victory or defeat. (22). He, who is not either the brother, the father, or the son, nor is one acting under an order or authority of another, and speaks for him, deserves punishment; as does he who makes contradictory statements in judicial proceedings." (23).

Bṛhaspati[2]: "For persons of immature intellect, for the dull, the intoxicated, the old, the women and for persons suffering from a disease, one may depose for a plaint or an answer, even though the man may not have been appointed."

In some cases, however, Kâtyâyana[3] prohibits an agent thus: "In accusations for Brâhmicide, drunkenness, theft, sexual intercourse with the preceptor's wife, a representative is not allowed, and even in similar other accusations such as, for homicide, theft, crim. con. with others' wives, eating the uneatable, as also abduction and despoiling of a maiden; for abuse, false measures, similarly for hatred against the king, a representative must not be permitted to be given; the Actor must plead in person."

The duties preceding the plaint, either of the king, or of the Complainant, being too well known in other *Smṛtis* have not been stated

1. Intr., Ch. II. 22-23. 2. Ch II. 34.

3. Verses 93, 94, 95.

by the Author of this work. *e.g.*, says **Kâtyâyana**[1], "When a party is in possession of a thing seized by him, a trial should not be started by the king; it should either be restored to him, or it should be deposited with a third party." And **Nârada**[2]: "One who absconds when the cause is to proceed, who disregards the plaintiff's words, such a defendant the plaintiff may arrest, pending the summons being served (47). If one arrested at a time proper for arrests, transgresses his arrest, he should be punished. One who, in causing an arrest, acts improperly shall be liable to punishment" (51). Also, "One arrested while crossing a river, or in a forest, or in a bad country, or during a great calamity, or while in similar predicaments, commits no fault by transgressing his arrest." (49). So, "One about to marry, one oppressed by a disease, one about to perform a sacrifice, one afflicted by a calamity, as also one who is accused under the law, as also one engaged in sowing operations (52). Cowherds engaged in tending cattle, cultivators in the act of gathering the crops, artisans also during the period while engaged in their occupations, and warriors during warfare (53). One who has not yet arrived at years of discretion; a messenger, one about to give alms, one engaged in a vow; those in difficulties also, must not be arrested, nor should the king summon them" (54).

Here, the excellence of the Plaint is 'brief in words, but rich in meaning' as stated by **Bṛhaspati**[3] and others.

Of the faults, such as stated in the **text**[4]: "Impossible, faulty, meaningless, causeless" and the like, and their absence has been indicated by the prefix *âṅ* in the expression *â-veditam*, 'alleged'; these, moreover, through fear of swelling the treatise are not being expanded here.

Plaintiff, however, must not depose contrary to his first information, as says **Bṛhaspati**: "That matter, moreover, which one alleges, one must not change in form; nor should he resort to another alternative; if he resorts, he is (deemed to be) defeated in regard to the first." Before, however, the investigation commences, there is no loss to the plaintiff deposing more or less. That says **Nârada**[5]: "Before the answer to the plaint has been tendered by the defendant, the plaintiff may amend his own statements so long as there is no sight of the

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1. Verse 120.
2. II. 47, 49-54.
3. See Ch. III. 6.
4. Of Kâtyâyana Verse 140.
5. Ch. II. 7.

answer. Of one who has been blocked by an answer, all writing ceases". Here the word answer is used in the sense of the commencement of the investigation vide the text of **Bṛhaspati**[1] : "When both parties have submitted their statements in writing and the investigation of the truth has commenced, he who deposes there improperly does not lose the point. When the answer to the plaint has been filed and the investigation has been entered upon, the statements of the disputants in that proceeding are purified[2], so says Bhṛgu. "If through infatuity, or through cunning, a statement is not made by the plaintiff, but is offered in the midst of the answer, that may be accepted for both[3]. What is heard, written and also purified and considered."

Regarding purification says **Vyāsa** : "With a white chalk on a board, and in the absence of a board, on the ground, one should write; and after revising any defect or superfluity, it should thereafter be entered in the paper." For the falsification of record, **Kâtyâyana**[4] states a punishment. "One who writes anything else than what is stated by the plaintiff or by the defendant, the king following the law should punish such a one as a thief." (6).

S'ulapâṇi

'Of four feet is this Judicial Proceeding', so the Author will state hereafter; of that the first, of the foot dealing with the Plaint, the Author states

Yâjñavalkya, Verse 6.

Of a Plaint the substance of which is known can alone a reply be possible; therefore, in the presence of the opponent, the plaint should be caused to be written. 'One when asked, must state the Plaint,' so it has been stated. In the plaint should be written the year, the month &c. In the expression 'caste &c.', by *et cetera* are to be taken, "the point at issue, similar[5] objects, the quantity, and similarly one's name" specified in **another Smṛti**[5].

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1. 'स तद्र्थान्न हीयते—It appears, there is a mistake in this quotation. The **Smṛti-Chandrikâ** (p. 48, L. 13) cites this text as of **Kâtyâyana**, where the reading is तस्माद्र्थात्स हीयते. Mr. Kane's compilation of Kātyāyana also gives the same reading. See verse 206, p. 29.

2. *i.e.*, by the process of आवाप and निर्वाप referred to in the Mitākṣharâ under the text cited in *Viramitrodaya*; and *S'ulapâṇi*, who cites the text of *Kâtyâyana*; p. 131. see also the text of Vyāsa further on at l. 12.

3. Kâtyâyana 193. This text is cited as the text of *Bṛhaspati* in *Smṛti Chandrika*, and the 2nd half is प्रशमं ये मिथो यान्ति दाप्यास्ते द्विगुणं दमम् (h. 49, l. 22).

4. Verse 132.

5. *i. e.* of *Kâtyâyaaa*, Verse 125, where the reading is साध्यप्रमाणं द्रव्यंच संख्या नाम तथात्मनः ।

Who will have the position of a plaintiff? So **Nârada**[1] says, "He who has had greater trouble, or whose object is of greater magnitude, to him should be given the right to begin as a plaintiff, and not the one (necessarily) who lodges the information first." **Bṛhaspati**[2] states the characteristics of a Plaint: "They know a plaint to have five points, viz. free from the faults regarding a declaration, with the point which is susceptible of proof, accompanied by good arguments, precise, and well-established[3] among the people. (6). Brief in words, rich in meaning, absolutely free from ambiguity and confusion, devoid of conflicting arguments, and capable of meeting the opponent's arguments."

Kâtyâyana[4] states a special rule: "The Judge should cause to be written the first information as originally deposed on a board with a white chalk, and then on a parchment after it is corrected." (6).

Thus after the plaintiff's revised complaint has been written down upon paper, what should be done? so the Author says

Yâjñavalkya, Verses 7 (1).

Of the defendant, who has heard the plaint, the answer should be taken down in writing, in the presence of the plaintiff or the complainant. 7 (1).

Mitākṣharā:—**S′rutârtha** *i. e. the defendant*—is one by whom the substance of the plaint has been *heard*, **S′ruto**; of that the answer. It is called the answer or replication because it appears after the plaintiff's complaint. **Le′khyam**, *should be taken down in writing, i. e.* should be reduced to writing.

The Answer.

In the presence of **Sannidhau**, *of the first informant*, **pûrvâve′dakasya**, the plaintiff *i. e.* near him. An answer is that which is a refutation of the complaint of the plaintiff. As has been said[5]:

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1. Not found in *Nârada*, but this is cited as a text of *Kâtyâyana*, (V. 122) in अपरार्क and other works.

2. Ch. III. Verses 5, 6, cited in Raghunandana p. 12 (Jolly).

3. लोकसिद्धं च.

4. Verse 125.

5. By Prajapati. See Smṛtichandrika p. 42, l. 30.

"Men versed in law consider that an answer, which covers (the points raised in) the plaint, is concise, unambiguous, not inconsistent, and is easily intelligible without an explanation." *Which covers the points in the plaint* i. e. is capable of refuting it. *Concise* i. e. according to (the rules of) justice, not inconsistent with justice. *Unambiguous* i. e. free from doubt. *Not inconsistent i. e.* not contradicting statements made before and after. *Not intelligible without an explanation, i. e.* the meaning of which requires an explanation on account of the use of obscure words, or on account of the implication or express use of cases and compounds (which are) difficult to split up, or by reason of the use of expressions (current only) in the language of foreign countries. That which is not so tainted is called a proper answer.

* P. 7.

P. 7. L. 4.

Fourfold answer.

That, moreover, is four-fold *viz.* admission, denial, confession and avoidance, and former judgment or *res judicata*. As says **Kâtyâyana**.[1] "An answer is fourfold *viz.* by pleading the truth or the falsehood (of the plaint), or by setting up a special plea, or a decision in a former judicial proceeding." Of these an example of the answer by admission, *Sampratipattiḥ*, may be found in the case where the defendant, being charged by the plaintiff that he owed a 100 rupees, replies by saying "yes, I do owe (the amount)." As is said[2]: "It (*i. e.* an answer) is called an admission, when the truth of the point at issue is admitted." An answer by denial, *Mithyâ*, is on the other hand made by saying, "I do not owe (the amount)." So also **Kâtyâyana**[3]: If the defendant give a denial to the claim made, that (answer) is known in law as a denial."

Four kinds of denial.

Such a denial moreover is of four kinds: as *e. g.* 'This is false', 'I do not know at all', 'I was not present there at the time (of the transaction)' and 'I was not born at the time'; thus four-fold is an answer by denial[4].

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1. Verse 165.
2. by Kâtyâyana Verse 168.
3. Verse 167.
4. Nârada Ch. II. 5; Also Kâtyâyana 169.

P. 7. L. II.

The (answer by) confession and avoidance, *Pratyawaskandanam*, is, *e.g.* thus: "true it is that I received, but I returned it, or obtained it as a gift." As says Nârada,[1] "If a defendant, admitting plaintiff's written allegations, sets up a plea, that is called a confession and avoidance." The (answer by a) former judgment, *Prâṇnyâyam*, or *Res Judicata* would be where the defendant would speak thus, 'I was sued by him on this cause of action, and in that suit he was defeated in a trial at law'. It has also been said by Kâtyâyana[2]: "If a person, though defeated by the customary procedure, again files a written complaint the answer to him would be, 'you were defeated formerly;' this is called the plea of former judgment."

P. 7. L. 17.

The characteristics of a proper answer having thus been established, the viciousness of those answers which are without the charactaristics of a proper answer, but which bear the resemblance of an answer, is self-evident. This has also been made clear in another Smṛiti[3] "That answer which is dubious, departs from the point at issue, is either too short or too long as compared with the point at issue, covering only a portion of the claim, and is of the like sort, cannot be called a proper answer. An answer which is irrelevant, incomplete, of concealed import, and is inconsistent, as also that which can be understood by an explanation (only), and which is unreasonable, is not an answer which will establish the plea set up". Of these: *Sandigdham*, 'a dubious answer' is *e. g.* where it is alleged that defendant borrowed 100 gold coins, the defendant answers 'yes, I did borrow (something) but (I am) not certain whether 100 gold coins or 100 *Máṣhâs*.[4]' *Prakṛtādayat*, 'Departs from the point at issue,' as where in a suit for 100 gold coins, the defendent answers 'I owe 100 *paṇas*'. *Atyalpam*, 'Too small,' as where in a a suit for 100 gold coins, the answer is 'I owe five.' *Atibhūri*, 'Too large,' as where in a suit for 100 gold coins, the defendant answers

1. Cf. Kâtyâyana 170.

2. Verse 171.

3. Cf. Kâtyâyana 174, 175.

4. A gold measure, $\frac{1}{20}$th part of a पण. "माषेा विंशतितमो भाग: पणस्य, परिकीर्तित: ".

'I owe two hundred'. *Pakshaikades'avyāpi, Covering only a part of the claim,* as where in a suit for (recovering) gold, clothes, &c., the defendant answers—'only gold was recovered, nothing else'. *Vyastapadam, Irrelevant,* as in a suit for recovery of debts, defendant answers with reference to an entirely different matter, as, *e.g.*, in a suit for recovering 100 gold coins, defendant answers—'I have been beaten by him'. *Avyâpi, Incomplete, i. e.*, not covering the particulars of the country, place, &c., as, *e.g.*, where it is alleged. 'He has deprived me of my field to the east of Wārāṇasi in the Central Provinces, defendant answers.' "Yes, I have deprived him of a field." *Nigûdhârtham, Of concealed import, e g.*, in a suit for 100 gold coins, defendant retorts thus 'what! Is it I alone who owe anything to him?' Here by this dubious statement, it is implied that either the Chief Judge, or a Councillor, or the plaintiff is in the position of a debtor to some one else and thus the statement has a concealed import. *Âkûlam, Inconsistent, i.e.*, Contradictory having regard to the statements made before and after; as in a suit instituted for 100 gold coins, defendant answers, 'yes I did receive the amount, but I do not owe it.' *Vyākhyâgamyam, Requiring explanation, i.e.*, intelligible by the help of explanations required[1] by reason of the implication or express use of cases and compounds (which are) difficult to split up, or by reason of the use of expressions current in the language of foreign countries. As for example, in a suit for 100 gold coins due under a paternal debt the defendent answers: 'As for the expression *grihīta-śata* (a hundred

1. This has been given as an instance of the 'Implication or express use of cases and campounds (which are) difficult to split up (दुःश्लिष्टविभाक्तिसमासाध्याहाराभिधान). Here, the answer of the defendant is capable of a two-fold interpretation—

(1) From the Defendant's side it may be said, 'even supposing the expression *grihīta-s'atasya pituḥ* means that my father had received a hundred coins, I do not see its connection with gold.'

(2) The plaintiff on the other hand, or even, the court might read in thè defendant's answer, 'an admission of the receipt of 100 gold coins by the father.'

And lastly, the fact that the answer is capable of an interpretation either way as stated above is in itself an evidence of (a दुःश्लिष्टसमास) 'a compound difficult to be split up'; another reading is अश्लिष्टम्=irrelevent, faulty.

having been accepted), I do not know its connection with gold coins and my father.' Here, the real meaning (of the defendant's answer) is this: "As for (the expression *grihita-ś atasya pituḥ*) my father having accepted a hundred coins, I am not aware of his having received gold coins" *Asăram*,[1] *Unreasonable*, *i.e.*, opposed to reason. As in a suit alleging 'he borrowed 100 gold coins at interest, but did not the principal,' the answer is 'True, I have paid the interest, but not receive the principal.'

By the use of the word 'answer' in the singular number, a combination of answers is excluded. As says

* Page 8.

Kátyâyana[2]—"That which admits part of the claim as true, sets up a special plea[3] to another part, and makes a denial of a third, is regarded as no answer on account of the mixture (of several pleas)." The same Author[4] thus explains the reason why such (a statement) is regarded as no answer: "In one suit, the burden of proof cannot lie on two litigants, nor can both obtain judgment, nor can two proofs be adduced simultaneously in one suit." In a combination of the answer by denial and by special exception it is incumbent both on the plaintiff and the defendant to adduce evidence, as has been said: "In the case of a denial,[5] the proof rests on the plaintiff, while in a special plea, on the defendant." The simultaneous proof by both in one transaction is contradictory. As for instance where the allegation is, "he has taken gold and 100 rupees", and the answer is "gold was not taken, 100 rupees were taken, but were returned." In a combination of the pleas of special exception and former judgment, the defendant alone has to adduce evidence. "In the combined plea of former judgment and special exception, the defendant must exhibit proof." As where the charge is that gold was borrowed and it is met by an answer that it was returned, and also that the plaintiff was defeated by a judicial trial with regard to silver. Here the former judgment should be proved either by (producing) the decree itself, or by the evidence of

1. *Kâtyâyana* illustrates thus:
काकस्य दन्ता नो सन्ति सन्तीत्यास्ति यदुत्तरम् । असारमिति तत्वेन सम्यङ्क नोत्तरमिष्यते ।
2. Verse 189.
3. Correspond to the pleaing, in English law of "*Confession and avoidance.*"
4. Verse 190.
5. मिथ्या—मिथ्या अप्ययमिदं Bâlambhaṭṭi P. L. 19.

those who gave (or were present at) the former judgment, while a plea of special exception should be proved by witnesses, documents, &c. Thus there is an opposition between the pleas of *res judicata* and special exception.

The same would be the view in the case of a combination of three pleas in an answer. As, *e.g.*, where it is alleged 'he (the defendent) borrowed a hundred gold coins, a hundred rupees, and also clothes, the defendant answers "True, gold was borrowed, but it was returned; the hundred rupees were not taken at all; and as regards clothes, he has already been defeated in a former judgment." So also in the case of a combination of four pleas.

P. 8, L. 12.

These mixed pleas constitute vicious answers when set up simultaneously, each particular plea not being likely to be established without its particular proof; but when taken separately they are good answers. The order is to be determined according to the will of the plaintiff, the defendant, and the councillors.

When, however, there is a combination of two, that plea, which contains the most important point should be taken up for proof first, and the suit should proceed; the minor plea should be taken up afterwards and the trial determined. Where there is a combination of (the plea of) admission and another plea in answer, the suit should be tried by taking up the other plea (for proof); for a plea of admission there being no (necessity of) proof[1].

As Hârita after observing: 'If a denial and a special exception should occur together, and if the plea of admission be made with any other, which of these should be accepted as an answer?" has remarked: "In such a case, that which contains the most important point or which is conducive of proof, is to be considered as an unmixed answer; any other answer becomes otherwise;" *i. e.* it becomes a mixed answer.

The meaning is that the order in which such mixed pleas are taken up for determination depends on choice by regard to the plea

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1. It being impossible to adduce evidence for both the pleas simultaneously.

that survives last. Of these, the plea containing the *important point* occurs, as *e.g.* where in a suit it is alleged that "the defendant borrowed gold, one hundred rupees, and also clothes" and the answer is, "True the gold was taken, but one hundred rupees were not taken, and as for the clothes, they were taken, but were returned." Here the answer by denial being the important plea, the trial should proceed after taking plaintiff's evidence. Then the trial should proceed with reference to the clothes. The same order should be followed in the combinations of denial and previous judgment, or of special plea and previous judgment. Moreover, in the same suit, where the answer is "True, I received the gold and the hundred rupees, (but) I will repay (them); the clothes however, were not received, or having been received, were given back; or that he (the defendant) was defeated formerly in regard to the clothes"; in such a case although the admission is the most important point, there being no necessity of evidence for it, the trial should proceed after taking evidence on the plea of denial &c. Where, however, the denial and special plea cover the whole point, as *e. g.* where the plaintiff identifying his cow by the horns, says "This is my cow, (it) was lost at a particular time, and was seen today in this man's house"; while the defendant says: "This is false, the cow has been in my house even before the time mentioned by him (plaintiff), or it was born in my house." It cannot be said that this is not an answer, as it is competent to meet the point in dispute, nor can it be a simple denial, as a special plea has been introduced. Nor, there being no admission of a portion of the plaintiff's case, is it a special plea. Therefore this is an answer by denial coupled with a special exception. Here defendant has to adduce evidence, on account of the text[1] "the burden is on the defendant, in (the case of) a special exception."

It may be asked, under the text[2]: "In a denial, the evidence should be led by the plaintiff" why does not the burden (in the above case) lie upon the plaintiff? The answer is that the text applies to a pure denial. Then it is asked why should not the text[1] "In a special exception, the burden is on the defendant" be made likewise applicable only to a simple plea of special exception"? the

P. 8. L. 31.

1. कारणे प्रतिवादिनि । 2. मिथ्या क्रिया पूर्ववादे ।

answer is, "no, this cannot be; every plea of special exception necessarily involves a denial; and therefore a special exception pure and simple can never occur."

As the wellknown plea of special exception contains an admission of a portion of the plaintiff's case, there * P. 9. is a denial of the rest. As *e.g.* "True, I did receive a hundred rupees, but I do not owe (the amount) now, as I have repaid it." In this example the particular point to be noted is, that there is no admission of a portion of the plaintiff's case. This moreover has been clearly laid down by **Hârîta** :—"Of the two answers viz. of denial and special exception, the special exception should be accepted (as an answer)."

Where the pleas of denial and previous judgment cover the (whole) point at issue—as *e.g.* in the allegation, "He owes a hundred rupees to me" the answer is: "This is false; he (the plaintiff) has been defeated formerly on this point"; there also the burden of proof is on the defendant, on account of the text[1], "When *res judicata* and special exception are set up as a combined plea the defendant should exhibit proof." Because, the plea of a former judgment pure and simple can never occur, and (therefore) it might be said that the plea is no answer, likewise, the plea of admission is a good answer (precisely) because, it meets the point at issue by admitting as established the claim which in the plaint was stated as the matter to be established.

Where, however, there is a combination of a special plea and previous judgment, as *e.g.* when charged with having received a hundred, the defendant answers, "True, it was received, but it was returned, and, moreover, he (the plaintiff) has been defeated before on this very cause of action", in such a case, proof will be exhibited (in the order determined) according to the defendant's choice. Then the result is, that a double proof in one suit by the plaintiff and the defendant should not be allowed.

Viramitrodaya.

When the nature of the complaint has thus been reduced to writing by the king, the Author proceeds to state the function of the

1. Of Vyâsa,

king in regard to the second part of the judical proceeding in the form of the answer of the defendant

Yâñjavalkya, Verse 7 (1)

S'ruto, 'heard *i. e.* properly comprehended, *arthâḥ*, 'plaint', *S'rutârtham*, having heard the statement in the plaint in connection with that, *Uttaram*, 'the answer', the act of the Defendant, *purvâvedakasya*, 'of the first informant' *i. e.* of the plaintiff, *sannidhau*, 'in the presence of', by the king should be caused to be written.

By the use of the expression *śrutârtha* 'one who has heard the substance of the plaint', in the case of a defective plaint such as 'although separated from me, he should pay me the wealth acquired by him from the acquisitions' and the like form, it should be understood that even without an answer there is success. Thus, after the plaint is written, the Defendant should, in the presence of the plaintiff state his answer; "which should be such as would cover the points in the plaint, concise, unambignous, not inconsistent, and should not be such as would not be intelligible without an explanation; men versed in law consider that a (true) answer," thus characterised by **Nārada.**[1] It is thus established that thereafter the king should cause the answer to be written. As in case of the plaint, so the faults of an answer also may be deducted from the *Smṛtis*.

Moreover, for filing the reply, time should be given to the Defendant. That **Kâtyâyana**[2] has stated thus: "If after hearing the claim in the plaint while it is being[3] written, the Defendant asks for time for some reason, that should be given to him (145). Immediately, or one, five or three days according to the magnitude or littleness, should he get; and three fortnights or a week in suits for debts and the like. (146). For recent transactions, (the reply must be made) at once; where a month has passed, a day should be given; where six years have passed, three days; and seven days, where it is of twelve years' duration. (154) For one twenty years old, ten days, or half of a month; a month for one of thirty years, or three fortnights at the utmost (155). After having ascertained the period and the capacity and the importance or triviality of the transaction, the

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1. Verses 145-158.

2. This text has also been cited by the *Mitâkṣharâ*, generally. In the *Aparaka* it is assigned to **Nârada**, while the *Smṛti Chandrika* cites it as of **Prajâpati**, see p. 42, L. 30. The printed *Smṛti* of **Nârada**, however, does not contain this verse.

3. The other reading is श्रुत्वा लेख्यगतं त्वर्थं । The reading in the text is श्रुतालेखयतोऽत्यर्थं.

Authority should grant time to the Defendant. Also what the Author will state hereafter, that is stated to be the additional time. (147)

Vyâsa[1] : "If at that time there occur no fault indicated by the acts of the king or divine agency, by merely giving up time, he does not become defeated. If the fault be due to acts of the king or of God, he shoutd establish (his case) by means of witnesses; but if he resorts to begging,[2] he should be punished and should be compelled to pay the amount."

The plaintiff, however, does not get time for the formulation of the plaint. So says **Kâtyâyana**[3]: "Since the commencement of the litigation was rosolved upon by him after a long deliberation, therefore he must not get time; one who is proceeded against, should, however get time."

To this **Bṛhaspatî** mentions an exception:—"If the plaintiff owing to immaturity, is not able to declare, then time should be given by regard to the transaction and the capacity". When, however, the defendant without the existence of causes prescribed by the *S'astras*, does not adduce an answer, then he is (deemed to be) defeated, vide the **text**[4] : "One who alters his former statement, one who shuns the judicial proceeding, one who does not put in an appearance, one who makes no reply, and one who after he is summoned runs away; these are stated to be the five varieties of a faulty (*hîna*) claimant"; as also under the **text**[5] : "To the plaint when stated, if one does not give a proper answer, after the lapse of seven nights he becomes defeated, and deserves penalty."

That answer, moreover, is of four kinds as says **Kâtyâyana**[6]: "Pleading the truth, or the falsehood (of the plaint), setting up a *special plea*, or a decision in a former judicial proceeding; thus, the answer is four-fold". **Vyâsa**[7]: "Admitting the truth of the point at issue, is known as *Admission*; giving a reason, (is known) as a *special plea*; and declaring it as false (is known) as *denial*". **Brhaspati**[8] : "If a

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1. These texts are also attributed to **Kâtyâyana**. See verses 161, 162. There the reading is different, as will be found by a comparison of the two.

2. मैहृयेण—The other reading जैम्ह्येन 'through crookedness' is better.

3. Verse 134.

4. Cf. Kâtyâyana Verse 202.

5. Cf. Bṛhaspati IV. 4.

6. Verse 165.

7. Cf. Kâtyâyana Verse 168.

8. Cf. Kâtyâyana Verse 171.

person, though defeated by the customary procedure, again files a written complaint, the answer to him would be 'you were defeated formerly'; this is called the plea of 'former judgment'.

Here, the first, being in the form of an admission of an established fact which becomes the means of proof, is a good answer. It is not that thus the defendant is restricted[1] because in this investigation about a fact, it is inadmissible as a restrictive factor.

The answer by denial is, moreover, four-fold; so says **Vyâsa**[2] "'This is false'; 'I do not know', 'I was not present at the time,[3] and 'I was not born at the time'; thus the answer by denial is of four varieties."

Here by saying 'this is false', 'I do not know', and by making similar defences, there is a denial or concealment of the fact itself; by the answer 'I do not know', by pleading the non-remembering of the essential fact, it is intended to maintain its absolute non-existence; to the allegation in the plaint 'you took this loan in Vârâṇasi,' the answer being, 'I was not in Vârâṇasi,'; to the allegation, 'you obtained twenty-five years ago,' the answer being 'Indeed, I was not born at the time', thus by a series of allegations and refutations indicating the meaning; in an allegation, 'by your father was a hundred of gold taken', the answer that 'I do not know', is an assertion and a refutation, and not an answer 'by denial.'

It should not, however, be supposed that thus there being an absence of an answer (as such), there should be a success for the plaintiff, as all circumventions are necessarily to be disposed of by a judicial trial according to law, and there these are admissible as means of proof by the deponent. Hence it is that in the case of an overt sale (the plea of) non-delivery as a gift by the owner[4] has also to be weighed. Here, therefore, the non-proof of the fact in issue is the fault in the plaint.

The answer by 'a special plea' is, moreover, three-fold by regard to the cause of action alleged in the plaint, it may be 'more strong', 'equal in strength' or 'less strong'.

There, the first is as, e.g., to the allegation, 'You obtained a hundred from me' the answer is 'yes, but it was paid off.' Here the central point of the absence of proof of non-payment not being pressed,

1. *i. e.* prevented from proceeding further on.
2. Also Kâtyâyana, Verse 169.
3. *i. e.* the time of the alleged transaction.
4. नाष्टिक—The owner of the thing which was supposed to be lost.

non-proof is the fault in the plaint. This is also called a counter-plea, *Pratyavaskandana*, vide this text of Bṛhaspati[1]: "If a defendant, while admitting plaintiff's written allegations sets up a plea, that is called a confession and avoidance".

The second,[2] as in a plaint that 'this land is mine as it has come to me in successive generations' the same is the answer. This, moreover, is in reference to a valid plea in defence.

The third as in a plaint that 'this land is mine, as commencing from such a period it has been mortgaged with me by the owner,' the answer is 'commencing from five years ago, that has been mortgaged with me by him in the fifth year'; this also is in reference to a valid plea. From the text[3] "In transactions of mortgage, gifts, and sales, the prior is more powerful". Here also, for dispelling fraud, proof, &c., has to be adduced.

The answer of a 'former decision' is, however, in this form, viz., "In regard to this cause of action, he has been conquered by me", and the like.

Here Kâtyâyana[4]:—"That which admits part of the claim as true, sets up a special plea to another part, and makes a denial of a third, is regarded as no answer on account of the mixture (of pleas)". There, some explain the meaning of the text thus: In a claim for a hundred taken, 'I owe fifty certainly, twentyfive has been paid off, and twenty-five was not taken', and the like is no (proper) answer, and hence also "In one suit, the burden of proof cannot lie on both litigants, nor can both obtain judgment, nor can two proofs be adduced simultaneously in one suit" this text[5] becomes consistent.

Some say that the aforestated mixed answer is admissible, and that therefore all that holds good. That is not proper. Not that such a subject matter itself is not possible, as it is generally seen; nor that such an answer must not be given, it being impossible to prevent the tendering of an answer based as on facts; nor is it that in such an answer defeat alone will follow. In a dispute the answer which challenges an

1. Vijñaneśwara assigns this text to Nârada. See text p. 7. l. 12 Tr. p. 661. It is not found in the 'Extracts from Bṛhaspati' published by Dr. Jolly, S. B. E., Vol. XXXIII.

2. *i. e.* the समचल the second variety of a कारणोत्तर.

3. Yājñavalkya II. 25.

4. Verse 189.

5. Cf. Kâtyâyana Verse 190.

oath, and also consists of a denial, that has the illusive appearance on account of the combination. This is the meaning of the sentence. The rest, as also the expression 'in one part' repeated twice is a repetition.

Indeed, in such a case what would be the effect of the text 'In one suit &c.'? The answer is: In one suit in a simultaneous manner, there cannot be (adduced) evidence by both; this and the like is its meaning. Or shortly stated, that text is intended to prohibit evidence by both to be simultaneously adduced. 7 (1).

After the written answer is thus filed, the establishment of the point at issue being dependant on the means of proof, it may be asked who should exhibit the proof? Anticipating this the *Author* says

Yâjñavalkya, Verse 7(2).

Next, the plaintiff should immediately have written down the evidence by means of which the matter in dispute (or alleged) is (proposed) to be established. 7(2).

Mitâksharâ:—**Tataḥ**, *next*, after the answer; **arthī**, the *Plaintiff*, one who has to gain a point; **sadyaḥ**, *immediately*, even immediately after; **lekhayet**, *should have written down*. What has been sworn to in the complaint and is to be established is the **Pratijñâtârtha**, *the matter in dispute*. Of that the **sâdhana**, *means of proof*, *i.e.* that by which the matter is to be established, *i.e.*, the measure (of proof). Here, by saying (the plaintiff) 'should have immediately written down', it is implied that some delay is allowed in stating the answer. That, moreover, will be discussed in detail later on.

P. 9 L. 15.

By saying that 'the plaintiff should have written down evidence for proving the point at issue' it is meant that the party who has to gain the point should have written down the means of proof of the point at issue. Therefore, in an answer where a previous judgment is pleaded, the previous judgment itself being required to be proved, the defendant himself is regarded as the plaintiff, and so he himself should have his means of proof written down. So also in an answer containing a special plea, the special plea itself being

required to be proved, he who sets up the special plea, himself comes to be (in the position of) the plaintiff, so he should have the proof written. In a denial, however, the original complainant is himself the plaintiff, and he should exhibit the means of his proof.

By saying: "Next the plaintiff should have written down, &c." it is intended to be laid down that the plaintiff P. 9, L. 19. himself should cause the proof written, and none else. And, hence also, in the case of an answer by admission there being no point at issue, neither the complainant nor the defendant being in the position of a plaintiff, there is no indication of the means of proof, and thus, it follows, that the trial comes to an end at that very stage. This very rule has been clearly stated by **Hârita** :—" In an answer containing the combined pleas of former judgment and special exception, the defendant should exhibit proof; while in the plea of denial, the original plaintiff; (but) in the plea by admission, that proof, *i.e.*, is not necessary at all."

Viramitrodaya

The determination of the result by the king being based on evidence, and the exhibition of that being the duty of the plaintiff, in regard to him, the Author states the third part of the proof

Yâjñavalkya, Verse 7 (2)

Tatâh, 'next,' when a proper answer has been made by the defendant, and also caused to be written by the king; *arthi* 'The plaintiff', i. e, the party who has to establish the statement made, respectively either the plaintiff or the Defendant as the case may be; *pratijñâtasya*, 'of the point affirmed,' i. e. of the matter duly stated by oneself, *sâdhanam* 'means of proof' such as witnesses, documents, and the like, himself having set out, should cause to be written through the officers of the king. By the use of the word *sadyah*, 'immediately,' is meant that in the matter of the exhibition of evidence, no delay should be caused. Thus says **Kâtyâyana**[1]: "No loss of time should be caused by the king in the examination of witnesses; great harm might result from (lapse of) time, in the form of the turning away of justice."

That means of proof, moreover, is twofold, human and divine; as says **Bṛhaspati**[2]: "Evidence is declared to be twofold, human and

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1. Verse 339.

2. Ch. V. 17-18.

divine. Each of these is again divided into a number of branches by sages declaring the principles of law. Witnesses, documents, and inference, thus human evidence is declared to be threefold. Commencing with the balance and ending with the Dharma, thus the divine evidence is declared to be nine-fold."

That evidence, moreover, is the means of proof. This has been elaborated above. Such proof, however, is not necessary in an answer of admission. In regard to other answers, **Vyâsa** states a rule thus: "In the pleas of *res judicata*, and that of a special plea, the defendant should adduce evidence; in the answer of a denial, the first deponent (the plaintiff); in an admission, one need not prove." Here, by the use of the word 'special plea', is intended to state a stronger reason, as the Author *will state*[1] further on: "If the first claim be invalidated, then those of the next claimant should be examined." **Kâtyâyana**[2]: "If after the plea of admission, a special plea is set up, and if it is stronger, then the case of the defendant must be proved; in the absence of that, the other is deemed to be established[3]." The cause of the debt *viz.* the acceptance of the loan, as alleged before by the plaintiff being admitted i.e. accepted, another stronger reason, such as payment back and the like, if it is set up in the defendant's statement, then that is to be established, and not the other, by reason of the rule of equal and less force. This is the meaning.

In a plea of denial, however, the burden of proof by this-worldly[4] evidence is on the plaintiff; while of the divine evidence in the form of an ordeal, oath, or both, on the defendant himself: "No one should compel the complainant into an ordeal; to the one who is complained against should be administered an ordeal by those well-versed in the (rules as to) ordeals." In this text[5], in the first half a prohibition against the complainant contained in the first half, that kind (of evidence) is restricted in the latter half to the person proceeded against upon the principle that "when a fact which is established, is opened out," it involves a restrictive proof. So says the revered **Mis'ra.** The **Sâmpradâyikas**, however, hold that here, by the word complaint is meant

1. Yâjñavalkya II. 17.

2. Verse 191.

3. साध्यते तद्विनेतरत्; the other reading is साध्यते तद्धि नेतरत्—is established, and not the other. In the comments on this verse Viramitrodaya appears to accept this reading.

4. *i. e.* human evidence.

5. Cf. Kâtyâyana Verses 244, 411.

a complaint regarding theft, assult, and the like accusations. In the case of a denial against a claim for a debt etc., they say that even the divine proof is also on the plaintiff. (7)

S'ulapâṇi

Yâjñavalkya, Verse 7.

After the defendant has comprehended the meaning of the plaint, his answer should be caused to be written in the presence of the deponent of the plaint. **Kâtyâyana**[1] mentions the time for the answer: "For transactions of recent occurrence, immediate only is ordained; while for those of duration, the chief authority may give time to the defendant."

The characteristics of an answer and its varieties are stated by **Nârada**[2]: "Men versed in law consider that an answer, which comprehends (the points raised in) the plaint, is concise, unambiguous, not inconsistent, and is easily intelligible without an explanation." 'Comprehends' *i. e.* covers. "A denial, an admission, setting up a special plea, also; and a former decision, are the answers stated to be four by those versed in the principles (of law)." "If a defendant give a denial to a claim made, that (answer) is known in law as a denial." As says **Bṛhaspati**: "After hearing the plaint, if the defendant admits it, that is called an admission by the scholars of the *Śastrás*. If a defendant, admitting plaintiff's written allegations, sets up a plea, that is called a confession and avoidance. If a person, though defeated by the customary procedure, again files a written complaint, the answer would be, 'you were defeated formerly'; this is called the plea of a former judgment."

After the recording of the answer, one should endeavour to prove it. So says **Bṛhaspati**[3]: "After the first statement and the answer are recorded, and the judicial proceeding has commenced, the two are welded together like two balls of hot iron. Where there is a doubt about the truthfulness of the witnesses for both, and the two are in suspense, then as wise men the two should effect a compromise (while the uncertainty lasts)."

In the absence of a compromise, the rule in the text[4]: 'then the plaintiff &c.' prevails, By the word plaintiff, each is indicated in regard to his own side, and is to be so taken. Thereafter, the plaintiff should cause to be recorded the proof of such witnesses, documents &c., which are the means of establishing the point made out in his plaint, and which have the characteristic of truthfulness; and not after an interval of time. (7).

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1. Verse 153.
2. In the **Smṛtichandrikâ** this text is cited as of *Prajâpatī*; see P. 42 L. 30.
3. Ch V. 11, 12.
4. Yâjñ. II. 7.

What next? So the *Author* says.

Yâjñavalkya, Verse 8 (1).

If it (the proof) succeed, he obtains success ; if otherwise, the reverse *i.e*, if it do not permit, he fails. 8 (1).

Mitākṣharā :—Tasya, *of that, i.e.*, of the means of proof having the characteristics inferable from the several texts to be mentioned further on, about the written documents, witnessess, &c., presently to be described, **siddhau,** *in the case of success,* if accomplished, **siddhim,** *success,* in the form of accomplishing the point at issue, **prâpnoti,** *obtains;* **ato,** *other,* than this mode, **anyathâ,** *otherwise,* the non-establishment of the (means of) proof in any other manner brings on, **ápnoti,** *the reverse,* **viparītam,** *i.e.*, the non-accomplishment of the point at issue which is indicative of a defeat. This is the construction.

Viramitrodaya

The Author states the fourth stage, known as the decision of the point involved

Yâjñavalkya, Verse 8 (1)

Tasya, 'of that', i. e. of the point laid out by evidence such as the witnesses or other means, *siddhau,* 'if established', i. e. if borne out, *siddhim,* ' 'success,' i.e. victory ; *anyathâ,* 'otherwise' i.e. if not proved, *viparîtam,* 'reverse', i.e. non-success, *âpnoti,* 'he gets'. This is the meaning. According[1] to the Mitâkṣharā, *viparîtam,* 'reverse' means *bhangam,* 'broken'; that is doubtful. 8(1)

The Author having thus described the nature of a judicial trial now concludes

Yâjñavalkya, Verse 8 (2).

This legal procedure is declared to be of four-fold character in litigation. 8 (2).

1. But no such position appears to have been taken by the Mitâksharâ.

Mitâksharā :—*The legal procedure,* **Vyawahára,** referred to in the text[1], *viz.* " A king should hold trials, &c., has thus been **upadarsitaḥ,** *described,* to be of four-fold character, *i.e.*, by imagining it to consist of four parts in litigation ; *i.e.*, in the chapters on payment of debts, &c., as consisting of four parts and being of four kinds. Of these the first part is called the part relating to the plaint and begins with the text[2]: "In the presence of the defendant (the plaint) should be written, &c." The second part is the part relating to the answer and is introduced by the text[3]: " the answer of one (*i.e.*, of the defendant) who has heard the plaint should be taken down in writing." The third part relates to evidence and proof and begins with the text[4]: " Next the plaintiff should cause to be written, &c." The fourth part contains the decision regarding the proof of the point at issue and is in the text[5] : "If it (the proof) succeeds, he obtains success."

As is said " When disputes regarding their interests arise between men, their settlement according to rules laid down in texts is called a *Vyavahára* or a judicial trial. The four divisions of it, *viz.*, the plaint, the answer, the proof, and the decision[6] are laid down in their proper order ; hence it is called four-fold". In an answer by admission, however, the proof is not exhibited, and thus the point at issue is not (necessary to be) established (at all), and so it has not the part which contains the means of proof. So it has two parts only. After the answer is recorded, the decision[6] of the councillors

* Page 10.

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1. Yâjña. II. 1. p. 632 l. 12. 2. Yâjña. II. 6. see p. 651. l. 11–15 above.
3. Yâjña. II. see p. 661. l. 17 above. 4. Yâjña. II. 7. p. 672 l. 13 above.
5. Yâjña. II. 8. see p. 676. l. 4 above.

6. परामर्श=व्याप्यस्य पक्षवृत्तित्वधीः परामर्श उच्यते. *e. g.* वन्हिव्याप्यधूमस्य वन्हिव्याप्यधूमपर्वतवृत्तित्वं धीः परामर्शः=धूमो वन्हिव्याप्यः पर्वतवृत्तिश्च इति ज्ञानं परामर्शः Here the परामर्श would be the mental process deciding the onus by sifting the statements in the pleadings with the view of discovering

(1) how far these statements are relevant to the issue पक्षवृत्तित्व.
(2) " " " have a reference to the relief claimed साध्यव्याप्यत्व,

The opponent says that परामर्श characterized as above has been recognized as a distinct stage in reasoning, how is that Yâjñyavalkya does not make it a

by ascertaining on whom, between the plaintiff and defendant, the (onus of) proof should lie has not been mentioned by the **Lord of Yogis** (Yâjñavalkya) as a (distinct) part (stage) in a judicial proceeding, and as it (the decision as to the onus) has no reference to the parties, it has not been mentioned here as a (distinct) part in a judicial proceeding. This is as it should be.

Here ends the Chapter on General Rules of procedure.

Viramitrodaya

The Author rounds up the body of *Vyawahâra* detailed before

Yâjñavalkya, Verse 8 (2).

Vivâdeshu, 'in disputes', such as the recovery of debt and the like, which are the subject matter for consideration, *ayam*, 'this', of this', character, containing the plaint etc. and therefore, *chatushpât*, 'four-footed' i.e. having four parts, the meaning of the word *Vyawahâra*, has (thus) been pointed out i.e. illustrated. The illustration is of any *vyawahâra*. Thereby, "In the case of a denial, it is four-footed, as also in the plea of confession and avoidance, and in the plea of *res judicata*; in the pleas of admission it should be known to be two-fold", thus in this text of **Bṛhaspati**[1], that a two-footed *vyawahâra* has been mentioned, does not matter much. 'In admissions' *i. e.*, this rule should be so observed also in a plaint to which an answer is not possible. Although even in an (answer by) admission, including the decision, there are three parts, still there, for the declaration of a decision there being no necessity for a separate step, the statement that it is two-footed is proper. On account, however, of a statement as to the ignorance of circumstances on which an answer may be founded, it having receded from the position of an answer, including also this, it can be regarded as having four parts. 8 (2).

Here ends the Chapter on **General Rules of Procedure.**

S'ulapâni.

Yâjñavalkya, Verse 8.

Upon the evidence adduced being decided to be true, *siddhim*, 'accomplishment' *i. e.* success, *prápnoti*, 'he obtains.' In the case other

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distinct *Pâda* (section or chapter). The author replies in the text उत्तराभिधानानंतरं &c. This is the प्रत्याकलितपाद्. See Smṛtichandrikâ pp. 50–54 and note on p. further on. पौनःपुन्येन विचारणं प्रत्याकलितं–सुबोधिनी पृ. ६ पं. २०

1. Ch. III. 3; see also Kâtyâyana, Verse 245.

than this, *viparîtam*, 'reverse' *i.e.*, a defeat; this is the meaning. So also **Nârada**[1]: "The essential part of proceedings at law is declared to be the plaint; if that is lost, the plaintiff loses; if he can substantiate it, then he succeeds." *Uttaro*, 'succeeds' *i. e.* gains it. By the **text**:[2] 'in the presence of the defendant &c.'. A *vyawahára* or a judicial proceeding has been stated to consist of four parts, viz., the plaint, the answer, the evidence, and the success or defeat in the form of the decision. So also **Bṛhaspati**:[3] "The plaint is called the (first) part; the answer is declared to be the second; similarly, the evidence and trial, another; and the decision is declared to be the fourth. In the case of the denial it consists of four parts; likewise, in the case of the plea of confession and avoidence; the same rule applies to the plea of *res judicalá*; but it has only two parts in pleas of admission." Although even on a plea of admission a decision *has* to be given, still no evidence is to be led or a trial held, and therefore it is said to be of two parts. Including the added one, it is of four parts, so says **Kâtyâyana**[4]: "The plaint, the answer, the deliberation of the judges, and the part called the trial; by which is declared to be of four parts." The *pratyákalita*[5] part, the Author will state **hereafter**. (8).

Chapter II.

Special Rules of Procedure.

Having so far laid down the rules of procedure applicable to all kinds of suits, and wishing to point out some peculiarities (of procedure) in some special suits, the Author proceeds

Yâjñavalkya, Verse 9 (1).

Until the complaint is disposed of, no counterclaim should be allowed against him (*i. e.* the complainant).

Counterclaim.

Mitâkṣharâ :—(That) with reference to which an accusation is made is an **abhiyoga**—*complaint*, regarding an offence. *Until the complaint is disposed of*, **anistirya**, *i.e.* removed, **enam**, *him. i. e.* the

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1. Ch. I. 6. 2. Yâjñ. II. 6. p. 651 above. 3. Ch. III. 2, 3. 4. Verse 31.

5. *Pratyâkalita*—the deliberation of the judges regarding the burden of proof. Note the following observation in **Aparârka** (p. 61. lines. 10-12). अत्र च सिद्धशब्देन सभ्यानामर्थिप्रत्यर्थिविषयजयपराजयावधारणोपायभूतं प्रमाणमस्येदं शास्त्रतः प्राप्नोतीति विचारकाणां परामर्शः प्रत्याकलितादिशब्दवाच्य उच्यते, सिद्धिफलत्वात्। and this text of **Kâtyâyana** is cited thereafter. So also **Mitâkṣharâ**—उत्तराभिधानानन्तरं सभ्यानामर्थिप्रत्यर्थिनोः कस्य क्रिया स्यादिति परामर्शलक्षणस्य प्रत्याकलितस्य (पृ. १०. पं ३—४),

See also **subodhini** पौनःपुन्येन विचारणं प्रत्याकलितम्। (पृ. ६ पं. १०).

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complainant should not be allowed to be charged with an offence, **na pratyabhiyojayet,** *no counterclaim should be allowed.*

Although a 'special plea' has the appearance of a counter-claim, still inasmuch as it is intended for removing a charge against oneself, it does not come under the present exception. Hence, this prohibition is against that form of counter-charge which is not intended as an answer to a charge against oneself. This has been laid down as having reference to the Defendant.

The Author now states the rule as regards the plaintiff

Yâjñavalkya, Verse 9 (2).

Nor should any other person be allowed to file a complaint against one who is already under a charge, nor what has already been alleged should be allowed to be changed.

Mitâksharâ :—Abhiyuktam cha nânyeneti, *nor should any other person be allowed to file a complaint against one who is already under a charge &c.* As against one who has (already) been charged by another, and who has not got over the charge, another complaint should not be allowed to proceed; moreover, **uktam,** *alleged,* what was deposed at the time of the first complaint, that **viprakṛtim,** *change,* (if) containing a contradiction, **na nayet,** *should not lead,* should not be allowed. The purport is this: Whichever fact has been deposed to in whatever form at the time of the first complaint, that fact should be taken down in the same manner at the time of the formal complaint, and not otherwise.

It may be asked: It has already been laid down in the text[1]. *viz.* "Whatever is alleged by the plaintiff should be reduced to writing in the presence of the defendant," why then has it again been repeated in the text[2] "nor should what has already been alleged be allowed to be changed?" The answer is: By the text "whatever is alleged by the plaintiff" is meant that those facts which have been deposed to at the time of the first complaint, (the same) should be caused to be written down in the same manner at the time of the *Bhâshâ* or

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1. Of Yâjñavalkya II. 6. 2. Yâjñavalkya Verse 9 (2) above.

(formal) plaint; as it has been said that "a change in the subject-matter ought not to be allowed even though it be made in the same suit"; as *e. g.* having alleged at the time of the first complaint that 'he (the defendant) borrowed a hundred *rupees* at interest', it should not be (allowed to be) stated at the time of the formal plaint or *Bhâṣhà* in the presence of the defendant that 'a hundred *clothes* were borrowed at interest.' In that case, even if there be no change in the suit itself, there being a change in the subject-matter, he (the plaintiff) would be amenable to a penalty as a *hîna-wâdi*—one guilty of prevarication.

By the text: "nor what has been alleged should be allowed to be changed," a prohibition against a change into another suit is laid down even in cases where the subject-matter remains the same. As *e. g.* having said at the time of the first complaint that 'having taken a hundred rupees at interest, he (the defendant) does not repay (the amount), he says at the time of the second or formal complaint (*Bhâṣhâ*) that 'he deprived me of a hundred rupees by force.'

There[1], a change to another subject-matter is prohibited, while here[2], a change in the nature of the suit is prohibited, and thus there is no fault of repetition. **Nârada**[3] has made this very thing clear: "He who abandons his first allegations, and resorts to a new one, should be regarded as a prevaricator on account of the change in the suit[4]."

A prevaricating litigant becomes amenable to punishment, but he does not lose his suit. Thus this direction given in the present verse, *viz.* "until the complaint is disposed of &c.," is intended to avoid mistakes on the part of the plaintiff and the defendant, and has no reference to the proving or not proving of the point in dispute. Hence the Author says further on[5]: "After discarding all circumvention, the king should decide disputes according to the actual facts."

* Page 11.

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1. *i.e.*, in the text प्रत्यर्थिऽनोग्रतो. &c.
2. ,, ,, नोक्तं विप्रकृतिं नयेत्।
3. II. 24.
4. पद (*Pada*) as used here is intended to indicate a suit, the statement of the cause of action; while वस्तु (*Vastu*) indicates the subject-matter of the suit, or the point involved.
5. Yâjñ. II, 19.

This (limitation of the rule), however, should be observed in suits relating to property[1] or title. In disputes arising out of acts resulting from violence, plaintiff loses (also) his suit if he makes a false statement. As says **Nârada** "A verbal trickery does not vitiate all actions relating to property; for in suits relating to cattle[3], women, land, immoveables and the recovery of debts, the claim is not dismissed even though the claimant is liable to a penalty." This is explained (thus): *In all suits relating to property,* not in those originating in anger or passion, *a verbal trickery,* even if it be through mistake, *does not annul,* does not get defeated *i. e.* he does not lose his case; his case that is pending. An example here is '*cattle, women &c.*' *i. e.* as in suits relating to cattle, women, recovery of debts, by an erroneous declaration a plaintiff does not lose his case, though he is (otherwise) liable to penalty, so (is the case) in all suits relating to property.

From the specification of 'suits relating to property,' it appears that in suits arising out of acts of violence, the party loses also the claim that is pending, in the case of an erroneous statement. As *e.g.* having stated at the first complaint that "I was struck on the head by him with his foot", if he says at the time of the formal complaint or *Bhâshâ* that "I was struck (either) by the hand or by the foot", he, not only is amenable to punishment, but his complaint is also dismissed. 9 (2).

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1. Note the following divisions of व्यवहार.

- व्यवहार
  - अर्थकृत
    - सधन
    - अधन
  - मन्युकृत

2. Ch. II. 25. Dr Jolly reads सर्वेष्वपि for सर्वेष्वर्थ.

3. पशुस्त्री is a better reading; परस्त्री another woman.

To the rule—"until the complaint is disposed of, no counter-claim should be allowed against him" the Author mentions an exception

Yâjñavalkya, Verse 10. (1)

A countercharge may be allowed in cases of delicts[1] and felonious crimes.

Mitâkṣharâ :—**Kalahe**, *in delicts*, in cases of defamation and assault, **sāhaseṣhu**, *in felonious crimes*, in cases of destruction of life by means of poison, weapons &c. (In such cases) when there is a countercharge, it should be allowed against the complainant even while his own complaint is undisposed of.

It may be urged that even in such a case, the countercharge would not be a proper answer inasmuch as it does not meet the case of the plaintiff, and thus (in fact) there being another *pratijña* or complaint, it is equally impossible to go into a simultaneous proof (of both the charges). To this the answer is: True; but here a counter-charge is not allowed with a view to a simultaneous proof, but for an abatement of the punishment, or for avoiding or preventing an excess of it; for, where the complaint is, 'I was beaten or abused by him,' and the countercharge is 'I was first beaten or abused by him,' there would be a light punishment. As says **Nàrada**[2]: "He who is the first to inflict an injury is assuredly guilty; he who retaliates is likewise guilty; but for the first, the punishment is heavier." Where, however, the assault etc. is commenced simultaneously for both, an enhanced punishment is avoided. Vide the **text**[3]: "When both parties simultaneously commence abusing or beating each other, and a difference (in degree) cannot be found, the punishment for both would be the same."

Thus, even if proof of simultaneousness is impossible, still in cases of abuse &c. a counter-charge has a value; in suits for the recovery of debts &c., however, it is simply useless.

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1. कलह—violence; दंडाद्भिनतरेतरताडनम्, दंड्यादंड्यादि ; *Medhâtithi*.
2. Ch. XV. 9.
3. Of Nârada Ch. XV. 8. Dr. Jolly's text reads the first quarter as पारुष्यदोषावृतयो;

Viramitrodaya.

The Author mentions the function of the plaintiff in the interval

Yâjñavalkya, Verses 9, 10 (1).

Abhiyogam, 'complaint', the accusation made by the complainant, *anistīrya*, 'without removing', *i.e.*, is disposed of by the decision resulting in success or defeat, against the complainant, the respondent, *na pratyabhiyojayet*, 'should not be allowed to counterclaim', *i.e.*, should not be charged for a counter offence committed by him. *Anyena*, 'by another', while the accusation first made is not removed, until its removal, the defendant should not be allowed to be charged. The substance of the complaint laid should not be allowed to be 'changed', *viprakṛtam*, distorted, *i.e.*, the plaintiff or the defendant should not be allowed to write otherwise.

As regards the clause 'no counter-claim should be allowed against him', in a mutual fight, in abuse, and in cases of serious offences such as the abduction of women, homicide, and the like, and by the use of the word *cha*, 'and', in cases of assaults and thefts, one may file a counter-complaint. In an accusation such as 'I was abused by him', 'I was beaten by him', one may state as by way of an answer 'I was also abused', 'I was also beaten'. By the use of the first *cha*, 'and', are included the grown up and the like. 9, 10 (1).

S'ulapâṇi

Yâjñavalkya, Verse 9.

One against whom an accusation has been made, without giving an answer, should not be allowed to charge the maker of the first complaint with a counter-complaint, simultaneously more than one trial being impossible.

The complainant also must not file another complaint against the respondent, as on account of the abandonment of the first complaint, there may be the danger of detriment to the sworn statement. The allegation which has once been made should not be allowed to be distorted by an allegation of a different kind, as there would be the fault a of variation in the pleading. (9).

After laying down the rules for the plaintiff and the defendant, the Author mentions the functions of the Presiding Officer (of the Court) and his Councillors

Yâjñavalkya, Verse 10 (2).

From both a security should be taken, (such as one) who would be competent to satisfy the object of the judgment.

Mitâksharâ :—**Ubhayoḥ**, *from both, i. e.* from the plaintiff and the defendant. (That which) in all suits (is) the object of the judgment or decree is **kâryanirṇaya**, *the object of the judgment.* The word *kárya* has been placed first under the rule[1] '*Ahitágnyádishu.*' The object of the judgment, moreover, is the payment of the amount decreed, and the payment of the fine. For that, **samarthaḥ**, *competent,* **pratibhū**, *surety*; he who becomes a substitute for him, *i.e.* in that cause, becomes like him, is a *Pratibhû*; (such a one) should be taken by the Officer presiding the Court consisting of Councillors.

If such a one is not possible, men should be commissioned to watch the plaintiff and the defendant, and the daily wages of these (guards) should be ordered to be paid by those (plaintiff and defendant). As says **Kâtyâyana**[2]: "If, however, the plaintiff has no surety competent for the cause, he should be (kept) under a watch; and (he) should pay the wages to the servant at the end of the day."

Viramitrodaya.

After having stated the duties of the plaintiff and the defendant, the Author mentions the function of the head of the Court along with the Councillors

Yâjñavalkya, Verse 10 (2).

Of the plaintiff and defendant who had appeared for (getting) justice, for entering upon the trial, a security should be taken, as even regarding the plaintiff, there being the possibility of his running away through fear of penalty. Of what kind? *Samarthaḥ*, 'competent' or able to meet the purpose of the decision, *i.e.*, for the payment of the amount established, as also of the penalty. After the manner of the rule[1] *âhitâgni*, &c., the word *kârya*, has been placed first.

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1. Pâṇini II. 2-37. वाहिताग्न्यादिषु. In the compounds आहिताग्नि and the like the Nishṭhâ formed words may optionally be placed first i. e. आहिताग्नि, जातपुत्र etc.

2. Verse, 117.

Or for the object, *i.e.*, for the decision to be given, a security should be taken. It may not be said, having regard to the order[1] of its statement, that the security to be taken is after the decision of the suit, therefore it has been stated that he should be one competent to satisfy the judgment. Or, for the object, which is the subject matter of the suit, such as the recovery of debt &c., for its decision, a security should be taken,(as)if the plaintiff runs away a decision would be impossible. For the absence of the security, however, Kâtyâyana[2] : "If, however, there be no surety given by the plaintiff who has a cause for dispute, he should be kept under watch, and so guarded he should give wages to the guard at the end of the day". 'Guard', *i.e.*, the messenger of the king. 10 (2).

S'ulapâṇi.

Yâjñavalkya, Verse 10.

The Author mentions an exception; *kalahe*, 'delicts' *e. g.* slander, as also in charges of assault with weapons &c., 'I too was attacked with a weapon by him', such a counter-charge may (be allowed to) be made. In a complaint that 'the attack was made on me when I was quite innocent', in a counter complaint in the counter-charge, the fault of simultaneity by numerous complaints does not occur.

A surety should be taken who would be competent to keep the complainant and the respondent under restraint, until the decision of the proceeding. In the absence of a surety, he might change, so says Kâtyâyana[2]. "If, however, there be no surety given by the plaintiff who has a cause for dispute, he should be kept under watch, and so guarded he should give wages to the guard at the end of the day." 'Guard', the royal watchman. (10).

It has been said that a surety should be taken by the presiding officer of the Court consisting of Councillors from the plaintiff and the defendant, who would be able to satisfy the object of the judgment; it may be asked what is that object of the judgment ? Anticipating this, the author says

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Yâjñavalkya, Verse 11.

When, upon a denial (by the defendant), a claim is proved, he (the defendant) should pay the amount claimed

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1. पाठक्रमेण i. e. since the rule regarding the taking of a security comes to be mentioned after the decision, following the order of its statement.

2. Verse 117.

(to the plaintiff) and also an equal amount to the king. One setting up a false claim should pay double the amount claimed.

Mitâkṣharâ :—Of the claim alleged by the plaintiff if upon a denial by the defendant the claim is *proved*, **bhâvitaḥ**, by the plaintiff by means of witnesses &c. and thus brought home to the defendant, then the defendant should, *give the amount*, **dadyâd dhanam**, in dispute to the plaintiff and also *an equal amount to the king*, **Râjñe cha tatsamam**, as a fine for *the denial*. If, however the plaintiff is unable to establish (his case), then he himself becomes **mithyâbhiyogi**, a *false claimant*, and as such should *give to the king*, **dadyâdrâjñê**, *double*, **dwiguṇam**, the *amount of the plaint* **abhiyogât**, *i. e.* the amount claimed in the plaint.

In the case of the plea of '*res judicata*' and of 'confession and avoidance' this same rule should be applied. There, too, when the plaintiff is shown by the defendant to have set up a (false) denial, he should give to the king a fine equal to the amount in dispute. If, however, the defendant is unable to establish either the plea of *res judicata* or of the special plea then he himself should give double the amount to the king as for having set up a false plea, while to the plaintiff the amount claimed or in dispute. In an answer of admission, however, there is no fine.

This, however, has a reference only to the suits for recovering debts. It is not of universal application, inasmuch as special fines have been mentioned in (all) other (kinds of) suits, in their respective places, and also as it cannot possibly occur in suits where the subject-matter is other than money.

And although the rule[1] that 'a debtor should be made to pay by the king &c.,' has a reference to or applies in suits relating to the recovery of debts, we will particularize it there[2] only.

The same rule should even be used as having a reference to all (kinds of) suits. How ? If upon the defendant's setting up a denial

1. Verse 117.

2. See Verse 42 further on.

of the claim it is proved by means of witnesses &c. by the plaintiff as against the defendant, then *equal to it*, **tatsamam**, *i.e.*, to the very amount specified respectively in each (kind of) suit. The word *cha* is used to restrict the[1] extent (of the fine). 'The amount should be paid to the king' is the (construction based on) repetition.

If the complainant is not able to bear out this complaint, then the rule laid down is that a double amount of that mentioned in each suit should respectively be paid by him as a fine for (being) a false complainant. Here also in the plea of *res judicata* and of a 'special plea' the rule should be applied similarly as before.

Viramitrodaya

The Author mentions the procedure in regard to a defeated defendant or plaintiff

Yâjñavalkya, Verse 11.

Ninhave, 'upon a denial,' of a true claim by a false statement *bhâvite*, 'when proved' by witnesses also the matter being brought home the defendant should give to the plaintiff the amount which is the subject-matter of the suit. *Rajñe cha tatsamam dhanam dadyât*, 'to the king also he should pay an amount equal to it' in the form of a penalty. A plaintiff, setting up a false claim, should pay to the king an amount double that in dispute. By the use of the word *cha*, 'and,' the Author adds another penalty in cases of slander &c. Here Manu[2]: "Upon a denial of the claim, if it is established by evidence, he should be ordered to pay the debt to the creditor and a small fine according to capacity (52). He, to the extent to which he denies the claim, or to the extent to which he speaks falsely; those two adepts in illegality should be punished with a fine double of that" (60). Here, moreover, the determination of the punishment of those who deny the claim, in equal or

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1. Words have the force of प्रवृत्ति or व्यावृत्ति *i. e.* of having a wider surface covered by the connotations than is indicated by the denotations. In this connection the distinction between नियम and परिसंख्या may be compared. In 'पञ्चपञ्च नखा भक्ष्याः' all animals other than the पंचनख are excluded (व्यावृत्तिः) while in 'समे देशे यजेत' it is not so much the *exclusion* (व्यावृत्ति) of विषमदेश, although that may be the ultimate result, as the selection of a समदेश (प्रवृत्ति) that is aimed at. So Vijñaneśwara says that by the use of the word *cha*, Yâjñavalkya means to lay down that an amount equal in amount to that in dispute, and not more or less, should be levied as the king's fine.

2. Ch. VIII verses 52 and 60.

double the amount should be made by a consideration of the caste, age and wealth, of these. As the Author has said[1]: "After taking into consideration, the country &c." (II).

S'ulapâṇi

Yâjñavalkya, Verse 11.

In a plaint regarding the payment of money, one who has filed an answer of denial, when the claim has been established against him by means of witnesses and the like, the debtor should pay the amount to the creditor. To the king also he should pay an equal amount as penalty. In the case of a denial and an admission, **Vyâsa** has mentioned half as penalty: "After denial, when the plaintiff voluntarily admits the claim, that should be known as an admission; for that a half penalty has been declared". Other penalties in particular cases, should be ascertained from **other Smṛtis** by regard to the existence or non-existence of the element of intention as an ingredient in the offence.

One who offers a false complaint should pay double the amount of the complaint to the king. In regard to the *S'udra*, **Nârada** states a special rule: "Those of the *S'udra* order who file a false complaint against the twice-born, the king should cut out their tongue and impale them upon a cross." (11)

By the text: 'Next, the plaintiff should immediately have written down the evidence by means of which the matter in dispute is to be established,' it has been shown that (some) time should be allowed at the stage of filing the answer; the Author mentions an exception to this

Yâjñavalkya,[1] Verse 12.

In charges regarding felonies, theft, assault, and cow-killing, and in complaints about risk to life and property, and in complaints against defamatory imputations, as also in cases concerning women, the parties must even immediately be asked to plead. In other suits time has been allowed under the discretion (of the court).

Mitâkṣharâ:—Sâhasam, *a felonious crime,* by means of poison, weapons, and the like, the killing of animals and doing like

1. Compare this with Nārada I. 45,
2. Āchārâdhyāya Verse 368,

other acts; **stéyam**, *theft*, stealing; **pârushyam**, *assault*, verbal abuse and bodily assault, to be defined further on. **Gauḥ**, *cow*, *i. e.* a milch-cow. **Abhisápaḥ**, *defamatory imputation*, imputations about the commission of a sin. **Atyayaḥ**, *risk of life and property*, danger to life and wealth; regarding it. The singular is used as the *Dwandwa* (द्वंद्व) compound is indicative as if it were a single object[1].

Striyâm, *concerning women*, high-born women, as well as slave girls. In the case of high-born women, in disputes regarding good conduct or character, in the case of slave-girls, in disputes regarding the right of ownership. **Vivâdayet**, *be asked to plead*, be made to file an answer. **Sadya eva**, *even immediately*, no time should be allowed to intervene. **Anyatra**, *in other suits*, **kâlaḥ**, *time*, time for filing an answer, **ichchḥayá**, *under the discretion*, *i.e.* of plaintiff, defendant, Councillors and the officer presiding, or the chief officer, **smṛtaḥ**, *allowed*, *i. e.* has been laid down.

Viramitrodaya.

It has been stated that 'of the plaint which has been heard (by the defendant) an answer should be caused to be written'; there by regard to the difference in the subject matter, :the Author states the awaiting or not awaiting of time

Yâjñavalkya, Verse 12.

In complaints about crimes &c., the defendant should be asked to state his defence immediately, *i. e*, should be made to do everything which is useful for reaching a decision such as the filing of an answer and the like. *Anyatra*, 'in other suits', such as the recovery of debts &c., *ichchḥayâ*, 'under the discretion' *i. e.* with a desire to find out the truth, an interval *i. e.* time has been stated in the *Smṛtis*. So **Kâtyâyana**[2]: "Where the thing is likely to be reduced to deterioration, or destruction, or a loss might occur, there time should not be given; such a matter should be proceeded with as urgent." And **Nârada**[3] also: "In suits relating to debts or the like other subjects, time may be given with a view to ascertain the truth."

Sahasâ, 'with force', *i. e.* offensively in the presence of people, what is done, such as an attack upon another and the like is called

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1. 'सर्वोऽपि द्वंद्वो विभाषैकवद्भवति' "All *Dwandwa* compounds are used optionally as indicative of a single object.—परिभाषेन्दुशेखर:

The singular is used, as the द्वन्द्व compound is indicative as if it were a single object. 2. Verse 149. 3. Ch. I. 44.

Sâhasa, 'a felony'; *steya*, 'theft,' *i. e.* stealing; *pârushyam*, 'assault' *i. e.* a verbal assault, as well as a bodily assault; *go*, 'cow' *i. e.* a milch cow; *abhiśâpaḥ*, 'accusation'; *atyaye*, 'danger' *i. e.* the possibility of the death of either the plaintiff or the defendant. This is the locative absolute. *Anyatra*, 'elsewhere,' *i. e.* in other disputes. *Striyam*, 'concerning women,' regarding the character of a high-born lady. (12).

S'ûlapâṇi

Yâjñavalkya, Verse 12.

Sāhasa, 'heinous offence,' i.e. man-slaughter, *gau*, 'cow,' here, a milch cow; *abhiyoge.* 'accusation' for a heinous crime; by means of that; *atyaye*, 'loss,' i.e. destruction of property; *striyām*, 'regarding a woman' i.e. a high born lady in a dispute about character; in the case of a *dāsi*, a minor dispute; in the case of these proceedings he should be asked to file an answer immediately. (12)

Yâjñavalkya, Verses 13, 14 and 15.

He who shifts from one place to another place, licks his lips, whose forehead perspires, as also he whose countenance changes colour; (13) who has a stammering and incoherent speech, and talks inconsistently and too much, who does not respond to the speech or gaze of others, and who moreover bites his lips; (14) who exhibits by his own movements a perturbation in mind, speech, body and action, is known as defective and unfit to be a complainant or a witness (15).

* PAGE 13.

Mitâksharâ:--Mano-wâkkâya karmabhiryo swabhâvâdeva, *who in mind, speech, body and action exhibits by his own movements,* not by reason of fear, &c., **vikṛtim,** *perturbation,* change (for the worse), **yâti,**[1] *goes;* such a one *is known as unfit to be a complainant or a witness,* **abhiyoge sâkshye wâ dushṭaḥ parikîrtitaḥ.** The Author points out the deformity in detail. **Des'âddes'ântaram yâti,** *shifts from one place to another place,* does not stand steady anywhere. **Sṛkkiṇî,** *lips,* the corners or the edges of the lips, **pariledhi,**

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1. Appears to be a reading that may have been before Vijñâes'wara. The reading in the original text of Yâjñavalkya is गच्छेत्.

licks, touches by the end of the tongue or rubs,—an instance of a *deformity in action.*

Characteristics of an unfit person.

Asya lalâṭam swidyate, *whose forehead perspires,* becomes smeared with drops of perspiration. **Mukham cha Vaiwarṇyam,** *countenance also has a changed colour,* a changed colour *i. e.* palour or shadiness; **eti,** *assumes,*[1] are instances of *bodily perturbation.* **Paris'ushyatskhaladwâkya,** *who has a stammering and incoherent speech;* **paris'ushyat,** *stammering* with a stutter; **skhalat,** *incoherent.* He whose speech is of such a sort. A man of this description. **Viruddham,** *inconsistent,* the last contradicting the first; **bahu bhâshate,** *talks much ;* is an instance of *perturbation in speech.* To the *words,* **wâcham,** of another, he does not attend by giving a reply; nor does he attend to the *gaze,* **chakshuḥ,** of another by a responsive look—a sign of *mental deformity.* **Tathâ Oshṭhau nirbhujati,** *moreover bites his lips, i.e.* twitches—is also an instance of a *bodily change.*

This, however, has been mentioned to indicate a probable existence of a defect; not as a positive mark of the (existence of) defects as it is difficult to appreciate the distinction between a natural defect and a defect caused by a special circumstance. And even if perhaps a skilful person draws a distinction, still that (by itself) will not be a sufficient cause for a dismissal of (the suit). No one would set about actually performing the exequial rites by merely observing (the) signs (of impending death) in a dying man. Similarly, even if it be known from the signs that the party would be defeated, still, that (by itself) is not sufficient to bring about (an actual) defeat.

Viramitrodaya.

The evidence to be adduced by the plaintiff has been stated before. Now, what cannot be adduced by him, and which is to be inferred by the Chief Judge, the Councillors and the rest, viz. inferential evidence otherwise called the *pratyâkalita,* the Author points out

Yâjñavalkya, Verses 13, 14, 15.

Mano-vâk-kâya-karmabhir yaḥ swabhâvâd, 'who in mind, speech, body and action exhibits by his own movements (manners) *i. e.* without

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1. Lit: goes or reaches.

any other cause possibly due to disturbance etc., *vikṛtim* 'a change,' 'a perturbation,' *i. e. yâti* 'goes', *i. e.* reaches; *sa*, 'he'; *abhiyoge*, 'in a complaint' *i.e.* in a dispute, *sâkṣhye*, *i. e.* 'testimony' *i. e.* in a proceeding as a witness; *duṣhṭaḥ parikīrtitaḥ* 'known as defective and unfit', in the *S'âstra*. Therefore a complaint made by him or a testimony given by him is not taken as proof. This is the meaning.

The Author mentions the perturbation itself: *Deśat*, 'from a place' *i. e.* from the place of his own residence, *deśântaram* 'to another place'; *yâti*, 'goes', in other words, in regard to his residence does not anywhere exhibit stability; *sṛkkiṇî*, 'lips' *i. e.* border of his lips, by a repetition *i. e.* often and often with the tip of his tongue; *ledhi*, 'licks', *i. e.* rubs. *Asya*, 'of him,' *i. e.*, of this defective person, *lalâṭam*, 'forehead,' *swidyate*, 'perspires,' is saturated with perspiration. *Mukham cha*, 'mouth also'; *vaivarṇyam*, 'changed into non-colour,' *i. e.*, palour, *eti*, 'attains' *i. e.* reaches. *Pariśuṣhyat*, 'dry' *i. e.* the mouth becoming dry, *skhalat*, 'stammering' *i. e.* incoherent; one who has this, is that. Thus it is a *Karmadhâraya*, 'compound.' *Viruddham*, 'inconsistent,' *i.e.* the prior and the succeeding portions mutually contradictory; *bahu*, 'much,' much more than is useful, *bhâṣhate*, 'speaks,' *i. e.* utters. *Wâk*, 'speech,' to oneself, words addressed by another; *chakṣhuḥ*, 'eyes' of another bent towards one's gaze. This is a *dwandwa compound* indicating as if it were a single object; *No pûjayati*, 'does not respond,' *i. e.* does not meet by a return speech or by a response in gaze. *Oṣhṭhan*, 'lips,' *nirbhujate*', 'bites,' *i. e.* distorts. Of these perturbations the mental &c. may be inferred according to the local conditions of each. By the use of the words, *cha*, 'and,' *api*, 'even,' *tathâ*, 'and also' is intended to indicate that "Although asked by many to speak, does not speak, and does not prove what he has stated; or who does not know what is the first point, and the point next following; such a one fails in the suit. (57). Having declared 'I have witnesses who know,' when asked to point out, who does not point out; the officer of the law-court, on (account of) these grounds, may declare him also to be non-suited." (58). These and others stated by Manu[2] and others are also to be included. (13, 14, 15).

S'ûlapâṇi.

The Author mentions the characteristics of a faulty person in the *pratyākalita* part

Yâjñavalkya, Verses, 13, 14, 15.

Wākchaṣhuriti, 'speech, gaze &c.', to the speech of another, does not respond by a reply, and also another's eye, he does not meet by

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1. See note on page 690. 2. Ch. VIII. 57, 60.

looking back *Nirbhiyāti*, 'bites', i.e. distorts, exhibits a perturbation; The meaning is, is not able to cover these. As in the **Râmâyaṇa**: " Although covered in the outward form, it is not possible to be covered; indeed from its force it exhibits the internal feeling of men. " 'Outward form' i.e. the bodily movements. The mouth, in the form of a changed colour and the like, the mental perturbation is inferred from the bodily change. These movements from place to place and the like are indicative of a defect (13, 14, 15).

Yâjñavalkya, Verse 16.

He who tries to substantiate a doubtful claim independently (of the means of proof), he who absconds, as also he who when summoned into the court does not say anything, is considered to be a false litigant and punishable as such.

Mitâksharâ:—Moreover, **sandigdham artham**, *a doubtful claim*, even when not admitted by the (defendant) debtor, **yaḥ swatantraḥ**, *who tries to substantiate independently* of the means of proof *i.e.* by confinement, arrest &c., **sa hîno daṇdyas'cha**, *he is considered to be a false litigant and also becomes punishable as such*. Likewise he who after himself having admitted a claim, or after a claim was established by means of proof, *absconds* **nishpatet**, when asked (to pay). He, moreover, against whom a claim has been filed and who even when *summoned,* **âhûto**, by the king into the court, *does not say anything.* He also is considered a faulty litigant and punishable as such. This is the construction.

As this verse has been introduced by the text[1] " is known as defective and unfit to be a complainant or a witness " it might be supposed that this verse is intended simply for detecting a faulty litigant (without more), so the word *daṇdya* (punishable) has been used. Moreover, from the text[2]: "even if one makes himself amenable to punishment as guilty, he is not liable to have his suit dismissed" it has been shown that a party does not lose his claim. Intending to avoid such a conclusion here, the author has used the word *hîna* (*faulty*).

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1. Verse 15 above p. 691 ll. 22-23.
2. of Nârada II. 25, see above verse (9) where the full text is cited.

Viramitrodaya.

Some deformities, although indicative of defectiveness, may even affect one who is not punishable ; so the Author says

Yâjñavalkya, Verse, 16.

Sandigdham, 'doubtful', *i.e.*, not decided in his favour by the investigation, *artham*, 'claim', and therefore also *swatantraḥ*, 'independently', *i.e.*, irrespectively of the certificate of success to be issued by the investigating authority, *sâdhayet*, 'tries to secure', *i.e.*, secures to himself; *yaścha*, 'he also', who when challenged for an inquiry, *nishpatet*, 'absconds', *i.e.*, from the seat of investigation runs away. *Yaścha*, 'he also', *âhûtaḥ*, 'summoned', does not speak anything, either in support of his side, or detrimental to the other side, *sa*, 'such a one', *hînaḥ*, 'a false litignant', *i.e.*, a faulty one, and by reason of the offence of executing a claim under a doubt, 'is declared by the Smṛtis also 'to be punishable by the king', *râjñâ daṇḍyaścha smṛtaḥ*.

By the first (use of) *cha*, 'and', are included those who do not attend at the place of inquiry. By the second (use of) *cha*, 'and' is included one who when unable oneself, who does not appear at the trial through a deputy. By the (use of the) third *cha*, 'and' is indicated that he should be compelled to pay what is in dispute.

These deformities, moreover, not likely to be proved by any other than one who is a thorough expert, are only means of indication of a disturbance. Otherwise, the possibility of a perturbation may here be taken as conclusive. A decision by regard to these is called among the people a direct[1] deliberation. (16).

S'ûlapâṇi

The Author states the characteristics of a defeated party

Yâjñyavalkya, Verse 16.

If in a claim which is under a doubt one recovers independently of the (prescribed) means ; *nishpatet*, 'absconds,' i. e. without informing goes to another village ; after he is brought for being questioned, when asked 'what have you to say', speaks nothing whatever—these three as false litigants are to be punished as such. Nârada[2] however mentions five varieties viz.: "One who changes his pleading, one avoiding a trial, one failing to appear, one who does not file an answer, and one

1. प्रत्यक्षविचार: See the remarks of the Mitâkshara above on p. 678, l. 1. quoted in the note on page 679. प्रत्याकलितेन.

2. Ch. II. 33.

who absconds after he is summoned, are five varieties of a faulty litigant." "The absconder, after three fortnights; one who keeps silent after seven days; and one avoiding a judicial investigation, after a month, and an incongruous deponent immediately (are declared as vicious or faulty)." 16.

Now, where two men simultaneously go to the officer of justice, each as plaintiff *e. g.*, where, a certain person having obtained land by gift, after enjoying possession of it for some period went out on account of business into another country along with his family; and a certain other person also obtained the same land by a gift and after enjoying possession for some time, went into another country. Thereafter both returned together and there was a quarrel each saying "this is my land, this is my land," and when both go simultaneously to the officer of justice, the question would be on whom should the burden of proof lie? Anticipating this, the Author says :—

Yâjñavalkya, Verse 17.

When there are witnesses for both sides, those for him who claims priority should be taken first; and if the first claim be invalidated, then those (*i e.*, the witnesses) of the next claimant should be examined.

Mitâksharâ :—**Ubhayataḥ**, *for both sides, i. e.* for both the litigants. Witnesses, **sâkshishu**, *i. e.*, when they are available. *The witnesses for him who claims priority,* **sakshinaḥ pûrvavâdinaḥ**, *should be examined; i.e.* one who says that he got (it) by a gift and had enjoyed at a prior date. A **Pûrvawâdi**, *a person claiming priority*, is not one who first makes a complaint. The witnesses for such a one should be examined.

When, however, another person says :—"True it is that this man first got it by gift and also was in possession, but the king gave this very field to me after purchasing from this very man, or that this man gave it to me after having obtained by gift"—then, the case of the first claimant becomes invalidated as it cannot be proved, and

when the case of the first claimant is invalidated, the witnesses should be examined of him who says that he got * Page 14. a gift at a later date and was in possession (since). This explanation[1]—alone is proper. It would not be proper to put the following interpretation, *viz.*, if the answer is by denial, the witnesses of him who claims priority are examined; while in the answers of *res judicata* and *special plea* if the case of the first claimant be invalidated then would come in the witnesses of the next claimant. The same import having been laid down in the text—'Next, the plaintiff should immediately have written &c.',[2] there would be the fault of repetition.

The first (mode of) explanation has also been brought out clearly by **Nârada**[3] who after observing—"In the case of a denial, the proof rests on the plaintiff, while in a 'special plea', on the defendant. For establishing a *former judgment* the (production of the) decree would constitute (sufficient) proof," says:—"When two persons quarrel for a point, and both have witnesses, the witnesses of him who sets up a prior claim shall be heard."

This rule has been specially mentioned as it differs from the rules of procedure for suits in general.(17)

Viramitrodaya.

"Then the plaintiff should cause to be written the means of proof of the allegations in the plaint", so it has been said. There, when the means of proof exist for both the plaintiff and the defendant, whose should be taken up (first) for consideration? So, the Author states the rule here

Yâjñavalkya, Verse 17.

Ubhayato, 'of both' *i. e.* of the plaintiff and also of the defendant, when witnesses and like other means of proof exist, *pûrvavâdinaḥ*, 'of him who filed the plaint,' the witnesses and like other means of proof should be admitted; such is the general rule.

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1. *i. e.* taking both as plaintiffs and not one as अर्थी and another as प्रत्यर्थी.
2. Yâjñavalkya 7 (2) page 672 above.
3. Ch II. 163.

Here, the Author states an exception : When the first side, *i.e*, in the form of the plaint, *adharîbhûte*, 'is invalidated,' *i. e.* is proved to be weakened as compared with the answer, either on account of a stronger reason, or by reason of the plea of *res judicata*, the witnesses, &c., of the respondent happen to be accepted. This moreover has been particularly elaborated before already. (17).

S'ûlapâṇi
Yâjñavalkya, Verse 17.

One says, 'mine is this land by (right of) purchase'; another also says 'mine is this land, by (right of) purchase'; thus when the answer of a special plea is equal, and witnesses of equal kind are adduced, the witnesses of the party lodging the plaint are to be accepted, and not of one who sets up a plea of priority.[1] Such an interpretation is proper as by regard to the text[2]: "In the case of a pledge, a gift or a sale, however, the prior transaction preponderates," there would be the fault of repetition if the first claimant be invalidated by not adducing a stronger reason to an answer, the witnesses of the respondent should be taken. By the use of the word witnesses, are included documents and the like. (17).

Yâjñavalkya, Verse 18.

If a dispute is accompanied by a wager, then the defeated party should be made to pay a fine and the amount of his wager (to the king), and also the amount in dispute to the judgment-creditor.

Mitâksharâ :—Moreover, if a *dispute*, **vivâdo**, *i. e.* a judicial proceeding, be **sapaṇaḥ**, *accompanied by a wager*,—staking is (the same thing as) wager; and that which contains this is one accompanied by a wager,—then *there*, **tatra**, *i. e.* in that proceeding which contains a wager, *the defeated* party, **hînam**, who has been described above, the king should make him pay a *fine*, **daṇḍam**, as also the amount of the wager laid by him ; and to the (judgment-) creditor the amount in dispute, **daṇḍam**.

1. It appears that S'ulapâṇi here differs from Mitâksharâ where mere priority in lodging a complaint is not given preference to a prior existing right (see text. p. 13. ll. 28-29). पूर्वास्मिन् काले मया प्रतिगृहीतमुपभुक्तं चेति यो वदति असौ पूर्ववादी, न पुनर्यः पूर्वं निवेदयति ।

2. See further Yâjn. II. 23.

Similarly where one being under the influence of anger, makes a stipulation thus :—"If I am defeated, I shall pay 100 *panas*", and the other (side) does not make any stipulation, then also a judicial proceeding is set in motion ; and when it is commenced, and if the person making the stipulation loses, then he himself should be made to pay a fine together with the sum stipulated. The other (party), however, if defeated, should be made to pay the fine, and not the stipulation as the text particularises it (*i. e.* his stipulation) as for one's own.

Where, moreover, one stipulates 100 and the other 50 only, there also in case of a defeat each should be made to pay respectively the amount stipulated by him alone. By the text "if the suit is accompanied by a wager" the Author has indicated (the existence of) a suit without a wager also. (18)

Viramitrodaya.

Generally, it is only when the means of proof for both exist that a suit with a wager comes about. By regard to this, the Author mentions the part to be performed by the defeated party in a suit with a wager

Yâjñavalkya, Verse 18.

As characterised above if a suit exist, then in a trial with a wager, the investigating officer should compel the defective party who loses, to pay to the king or to the opposing party respectively as the case may be, viz., to the king, the penalty consequent upon the defeat ; to the opponent the amount which was the subject matter of the suit, and his own wager, viz., the subject matter as well as the amount. By (the use of) the word *tu*, 'however', in a suit without a wager, is excluded the payment of wager. By the first (use of the word) *eva*, 'only' is excluded the payment of the wager laid by the other party and not agreed to by himself. By the second, and accompanied by the expression *dhanine eva*, 'to the judgment-creditor only' is excluded the payment of money in cases other those involving a money claim, such as slander, &c. The first two *cha's* are intended to include the payment of the penalty and the wager which are not payable. The last *cha*, 'and' is indicative of payment of all the three together, viz., the penalty, &c. (18).

S'ûlapâṇi

Yâjñavalkya, Verse 18

"If I am defeated on a footing of equality, then as an additional penalty due for a defeat, I shall pay so many *paṇas*," thus where the defendant stipulates with extreme boastfulness, that is (known as) a suit with a wager. In such a case, the penalty for a defeated party, as also the wager laid by himself, should be caused to be paid to the king, and also the amount in the suit to the creditor. (18).

Yâjñavalkya, Verse 19.

After discarding all circumvention, the king should decide disputes according to the actual facts; for even a real claim (based on actual facts) if not properly presented is likely to be lost in a judicial proceeding.

Mitâkṣharā:—Moreover, **chhalam**, *circumvention*, what has been wrongly said; **nirasya**, *after discarding*, after throwing off; **bhûtena**, *according to the actual facts*, in pursuance of the real state of facts, *a king should bring disputes to an end*, **vyawâhârâṇ nayedantam nṛpaḥ**. Since, *even a real claim*, **bhûtamapi** *i. e.* a true case, **anupannyastam**, *if not properly presented, i. e.* if not properly pleaded, *is lost*, **hîyatê**, *i. e.* suffers a defeat *in a judicial proceeding*, **vyawahâratah**, at the trial on account of witnesses &c.

Therefore the actual facts should be found out. The presiding officer of a Court along with councillors, by gentle persuasion and such other means, should try in such a way that the plaintiff and the defendant would speak the truth only; (for) in that case the decision would be given regardlessly of witnesses &c.

If, however, it is absolutely impossible to find out the real facts, (then) in that case, the second course is that the decision should be given by examining witnesses &c. As has been said[1] :— "It (*i. e.* a legal proceeding) is said to have two courses, as it is capable of being in pursuance of facts, or founded on error. A fact is that which truly embodies the actual events. An error is what has been erroneously deposed to."

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1. Nârada, I. 29.

There a decision given in pursuance of actual facts is the principal course, that founded upon error is only secondary. In a decision based on (the evidence of) witnesses and documents, the truth may sometimes be followed, sometimes not, as it is possible for witnesses &c. to deviate (from the truth.)

*PAGE 15.

Viramitrodaya.

As a suit is regarded two-fold on account of the distinction of being with or without a wager, so also by regard to its being founded on truth, or on error, it is two-fold. For it has been said[1]: "By reason of its being founded on truth or on error, it is said to have two courses. Truth is what is linked with facts; what has been declared by mistake, is error." Thus the word mistake here is merely indicative of a proceeding which is not in pursuance of facts. There, as far as possible, a trial should be observed only in pursuance of facts; so the Author says

Yâjñavalkya, Verse 19.

Bhûtena, 'according to facts' in connection with the matter in issue by means such as peaceful negotiations &c. by the party speaking as to actual facts in the form of his movements or the actions of the other side by reference to dates, having discarded the statements in the nature of circumventions, *nṛpo vyavahârân nayet*, 'the king should decide disputes,' *i. e.* carry to their own results in the form of a decision.

At times a suit is likely to be decided even in pursuance of an error, so the Author says, *bhûtam*, 'actual facts,' *i. e.* a real fact although with proper connections such as witnesses &c., if not properly set out before the determination of success, in a suit to be managed, *hîyate*, 'suffers a defeat,' becomes impossible of accomplishment. In such a case, the trial will only be in pursuance of an error. By the expression, 'even facts if not properly set out' are included by extension all transactions well known as being in pursuance of facts.

'There, a transaction proved according to rules of Śâstra is as under: "One who abandoning a strong ground resorts to a weak one, would not be allowed to resort to it again after the members of the judicial assembly have reached[2] the stage of success[3]. When[4] a law

1. By Nārada I. 29.
2. जयेऽवघृते i. e. have recorded their decision as to who should succeed.
3. Kātyāyana, Verse 221.
4. Nârada I. 62, 63.

suit has been decided, evidence becomes profitless, unless a document or witnesses can be produced who or which had not been announced at a former stage[1] of the trial. As the (fertilizing) power of rain is thrown away on ripe grain, even so evidence becomes useless when the suit has been decided."

Popular usage in transactions, such as "If I do not go tomorrow, I am (to be considered as) defeated," an agreement like this and others. (19).

S'ûlapâni

Yâjñavalkya, Verse 19.

"Truth is what rests on true facts. Error rests on a mistake of facts", vide this text of **Nârada**[2], if real facts are clearly ascertained by means of other proofs, then whatever had been declared through error should be given up as not final, and by means of positively ascertained facts, judicial investigations should one conclude; as even actual facts if not put forth in a judicial court lead to a defeat; so **Nârada**[3]: "What through error is not declared, that even though it were an actual fact is lost at law; therefore, judicial trials should one investigate by regard to actual facts." "Moreover by the king particularly by one who is anxious to maintain the (integrity of) law, by regard to the diversity of the human mentality, after discriminating the good from the not good". (19).

"Even a real claim is lost in a judicial proceeding if not properly presented" the Author mentions an illustration of this text

Yâjñavalkya, Verse 20.

Where the defendant sets up a denial and it is not confined to one only of the many particulars written in the plaint severally, and the claim is (afterwards) proved in

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1. **Asahâya** has the following note on this: ""This wicked debtor owes me money, and although this is supported by witenesses and other evidence, he declines to give it. Therefore he must be produced in my presence before the King's Court.' If the claimant says so, and does not produce his proof at the time of the evidence, but offers to produce afterwords, it cannot be admitted as evidence. But, if after making the statement, the claimant could not produce it owing to any accident etc., it may be offered, and it shall be accepted although the case had already been decided, and sureties were offered and taken."

2. Nârada I. 29. 3. I. 64.

one particular, he should be compelled by the king to pay the entire claim. He (the plaintiff) should not, however, be allowed to recover (from the defendant) what had not been alleged in the plaint.

Mitâksharâ:—Naikam, *severally*, many particulars, *e. g.* gold, silver, clothes &c.; **likhitam,** *written*, allegation made by the plaintiff; if the defendant *denies*, **nihnute,** *i. e.* conceals the whole claim, then, if the *claim is proved*, **bhâvitaḥ** *i. e.* the defendant is made to admit, the entire claim *i. e.* with regard to silver &c. (also) as alleged in the plaint should be caused to be paid to the plaintiff *by the king*, **nṛpeṇa.**

Na grâhyastuaniveditah, *should not, however, be allowed to recover what has not been alleged.* What had not been alleged at the time of the first complaint, but afterwards is being informed by the plaintiff saying that it was formerly forgotten, *he should not be allowed to recover*, **na grâhyaḥ** *i. e.* to be (allowed to be) paid, by the king.

It must not be supposed, however, that this rule is merely textual[1]; the falsity of the defendant's denial as to one particular having been established, it leads to the possibility of (establishing) its falsity as to other particulars also. Likewise, the truth of the plaintiff's allegations having been established in one particular, it raises the probability of its being true in other particulars also. Thus, from this very text of the **Lord of Yogis**[2] supported as it is by the rules of Logic which is only[3] another expression for 'the rules of probative reasoning,' the resulting rule (that comes to be established) is that the king should cause the entire claim to be paid.

And when a suit is being decided in pursuance of the rules of logic, even if the real facts stood otherwise, no fault would attach

1. वाचानिकम्—based on a text. *i. e.* its soundness can be established even by the test of logic as will be seen from the next sentence.

2. *i. e.* the sage Yâjñavalkya.

3. तर्कापरनामसम्भावना

to the judges deciding the suit[1]. As also (says) **Gautama**[2], after stating—' Rules of logic are a means for arriving at a judicial decision. For getting at a decision with (the help of) it (logic), parties should be placed in their proper positions respectively,' he concludes[3] thus: ' therefore the king and the preceptor are blameless.'

Moreover it is not that the consequences of a (false) defendant being confronted in one particular extend only[4] to his testimony not being accepted (as a reliable one) because the text is that 'a party confronted in one particular should be made to pay the whole (claim) by the king.'

The text of **Kâtyâyana**[5], however, *viz.* "Even in suits involving several counts, as much amount as the creditor (plaintiff) establishes by means of his witnesses, so much only does he get", has a reference to (suits for a) paternal[6] debt payable by the sons and others. There the rule is that sons and others in their answers in a suit with reference to several claims saying 'I do not know', do not become guilty of prevarication; (and) even if a claim is proved against him in one particular he does not become a false litigant, and so the rule—"where the defendant denies all the particulars &c." has no application there, as there is no concealment, and therefore no (scope for the application of the) rules of logic. The text of **Kâtyâyana**[5] *viz.* ' Even in suits involving several counts &c.' is a general rule. Putting aside the 'false answer' which is the subject of a special treatise, the author treats it as an answer of ignorance.'

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1. It may also be thus rendered; Even if it were different from the real facts. ' वस्तुनेा अन्यथात्वेऽपि ।'

2. Chap. II. 23–24. 3. Chap. II. 32.

4. एतावद् &c. *i. e.* only thus far, to this extent. It is not that from this text the incapacity would extend to the length of only the party's case not being accepted. The Author says that it extends further, *viz.* ' नृपेण सर्वं दाप्य :'. The meaning is that in the case of false witnesses the only consequence is that their testimony is not accepted; whereas in the case of dishonest litigants, not only that their testimony is not accepted but that they are punished to the extent of the entire claim in dispute being thrown out.

5. Verse 473.

6. पित्रादिऋणविषयम् is a better reading and is adopted from Bâlambhaṭṭi. See Bâlambhatti page 24, 1. 18. पुत्रादिदेयपित्रादिऋणविषयम् ।

It may be said that by the text[1] *viz.* "In suits for the recovery of debts and the like which are of a *quasi*-finite character, the amount in dispute being already ascertained, if the allegation is for a less or a greater amount, the claim does not succeed", Kâtyâyana has said that in suits containing more points than one, if only one point or more points than one which are involved are proved by witnesses, the whole claim does not succeed. That being so, when only a portion is proved, from where does follow the proof of the portion that is not proved ?

To this the answer is that where witnesses are produced as the means for proving the entire claim alleged in the written plaint, there in case the witnesses depose to a portion only or to much more than what was claimed then in such a case the whole claim does not succeed ; this is the meaning of that text. Even there, from the wording of the text *viz.* "being ascertained...does not succeed", a doubt would even lie here as before and thus there is scope for other evidence (means of proof), on account of the rule in the text[2] "after discarding all circumvention &c."

In the case of criminal complaints, however, the whole point alleged is considered as established even if only a portion is established by witnesses produced for proving the whole case ; because crimes and the like are considered as proved by so much proof, as also on account of the text of Kâtyâyana[3] *viz.* "In complaints for cohabitation with women, crime, and theft, what is known as the point at issue is considered as established in its entirety if only a portion of the point in dispute is deposed to by the witnesses." (20).

Viramitrodaya.

In the course of an exposition of the function of the king, the Author gives illustrations of trials based on facts, as also those influenced by mistakes

Yâjñavalkya, Verse 20.

Likhitam, 'written', in the plaint &c., the written allegations made ; *naikam*, 'many', in more than one (particular), such as, gold, gems, clothes, &c., the defendant who *nihnute*, 'denies', *i.e.*, conceals

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1. Verse, 396. 2. Yâjñ. II. 19. 3. Verse, 397.

the entire claim, he, *ekadeśe*, 'in one particular' such as, merely as regards gold or the like, *vibhâvitaḥ*, 'proved', *i.e.*, by means of witnesses, as &c., has been completely proved to have taken, *sarvam*, 'the entire', claim which is the subject matter of the complaint, *nṛpeṇa*, 'by the king', to the plaintiff, *dâpyaḥ*, 'should be compelled to pay'.

This, moreover, in regard to one particular (item) of the plaint which was established, when other particulars have not been proved here as also in the case of a special agreement, that 'if even one particular is proved, I shall pay up the whole.' There, the first has connection with actual facts as may have occurred, the second is based on a subterfuge.

Aniveditaḥ, 'not alleged in the plaint', *i.e.*, not set out in writing before. The particle, *tu*, 'however', has the sense of *cha*, 'and'. As to the part other than the one particular in regard to which the claim is proved, such as gems, &c., although not proved should not be ordered by the king to be paid. This also is an example of a trial connected with an error. Vide the text of Kâtyâyana[1]: "Even when only a portion of the matter alleged has been deposed to by the witnesses, in charges of intercourse with women, heinous offence, and theft, the whole of the matter alleged shall be deemed to be proved." In cases of theft and the like, although proved in one perticular, the whole is to be paid; so the Mitâkṣharâ. (20).

S'ulapâṇi

Yâjñavalkya, Verse 20.

One, who of the many counts in the written allegations, such as gold, silver, copper &c., denies all, he, when proved as to one particular such as gold &c. all i. e. silver &c., he must pay. If when proved as to one particular, having ascertained the plaintiff's, he says "this other also was forgotten by me", such a one not having been written down at the time of the plaint, should not be admitted, and no royal penalty (20).

It may be said "Where the defendant sets up a denial, and the denial is not confined to one of the many particulars" &c. is a *Smṛti* text; so is also "In suits involving several counts &c." a *Smṛti* text. Thus there being a mutual conflict between these two *Smṛtis*, why are they not considered as unauthoritative as they are

1. Verse 397.

opposed to each other? Why resort to (the rule of) adjustment[1]? So the Author says:—

Yâjñavalkya, Verse 21 (1).

*PAGE 16. **Where two smṛtis conflict, principles of equity as determined by popular usage shall prevail.**

Mitâksharâ:—Where **smṛtyoḥ**, *between two smṛtis*, there is mutual **virodhaḥ**, *conflict*, there for the purpose of removing the conflict and determining[2] the matter in issue **nyâya**, *principles of equity*, comprising general rules together with the exceptions, **balavân**, *shall prevail*, *i e.* (will) have force.

From where should these principles be obtained? so the Author says:—**wyawahâratah iti**, *as determined by usage etc.*, obtained from general usage i. e. ancient usage as observed among the elders and as determined by the two tests of affirmation and negation.[3] Hence even in the present case establishment of the rule is the only proper test. Thus should be applied even in other cases the rule regarding the adjustment and the rule of option.

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1. विषयव्यवस्था see note 4 further on pp. 708-709.

2. Note that here विषयव्यवस्थापनादौ means विषयव्यवस्थापनाय.

3. अन्वय-व्यतिरेक—note these two terms, which are likely to recur often and have an important place in the rules of logic and also of interpretation. अन्वय predicates a constant and invariable concomitance of the middle term or हेतु and the major term or साध्य (हेतुसाध्ययोर्व्याप्तिरन्वयः) The familiar instance of this is:—यत्र यत्र धूमः तत्र तत्र वन्हिः. 'Wherever there is smoke there is fire'—the invariable co-existence of fire with smoke is called in logic the relation of 'invariable Concomitance' or अन्वयव्याप्ति. Corresponding to and the opposite of the above is what is known as the व्यतिरेकव्याप्ति or an assertion of the concomitance of the absence of साध्य and the absence of हेतु e. g. यत्र यत्र वन्हिर्नास्ति तत्र तत्र धूमोऽपि नास्ति "Whereever there is no fire, there is no smoke also." The student will find a fitting comparison with this in the (1) Universal A Proposition of the English Logic e. g. All *x* is *y* and the (2) converted A proposition e. g. All not-*x* is not-*y*, respectively. A cause or हेतु is said to be connected with its effect by अन्वयव्यतिरेकव्याप्ति when both the affirmative and negative relations between the thing to be proved and the cause that proves can be equally asserted; such a हेतु alone makes the argument perfectly sound and incapable of refutation. This process of arriving at the Vyâpti or universal proposition corresponds to the methods of agreement and difference in Mill's Logic. (*Apte*). The application of this in the context will be seen from the following illustration: The question is whether a particular usage is proved to exist or not. Instances of its affirmation and an entire absence of its negation or non-enforcement would prove the custom under the अन्वयव्यतिरेक texts,

To this general rule the Author mentions an exception

Yâjñavalkya, Verse 21 (2).

The rule however is that the science of law is stronger than the science of politics.

An exception to the general rule.

Mitākṣharâ :—The science of politics e.g. the work of **Ausanasa** stands already excluded by the text 'in conformity with the principles of legal science[1]'; so the 'science of politics' referred to here is the one forming part of and incorporated in the 'science of law' and characterised as the science of polity. In the case of a *conflict*, **virodha**, between two smṛtis *i. e.* from the science of law and the science of politics (respectively), the science of law is stronger than the science of politics; this is the *rule*, **sthitiḥ** (*lit.*: position) i. e. limit. The meaning is that although in themselves there is no distinction between the science of law and the science of politics as the authors of both are of equal[2] (authority), still the principal subject (of treatment) being law, while politics having only a subordinate position, the science of law has force. The importance of *Dharma* has already been demonstrated before in the beginning of this treatise[3]. Therefore, in the case of a conflict between the *Dharmaṣâstra* (science of law) and the *Arthaṣāstra* (science of politics), undoubtedly the *Arthaṣastra* will yield; and there is no scope for any rule of adjustment or of option for a Vishaya-vyawasthâ[4]. (विषयव्यवस्था) or a Vikalpa (विकल्प).

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1. Yâjñ II. 1 p. 1. Il. 13 & 14 above.

2. Or it may even be translated as, 'as both are the compositions of the same (author.)' समानकर्तृकतया ।

समान—equal, or it may also mean, same. The meaning is that even if the same author lays down two texts, one in the nature of a धर्म text and the other an अर्थशास्त्र text, still having regard to the fact that it is the धर्मशास्त्र which is the प्रधान or principal subject of treatment, the texts pertaining to the धर्मशास्त्र will have force.

3. *i. e.* in the Âchâradhyâya. Introductory chapter I verses 1-9.

4. Note these two terms विषयव्यवस्था and विकल्प.

विकल्प (Vikalpa) means option *i. e.* the rule of option. विषयव्यवस्था means an adjustment of the several subjects by appropriating each to its proper place.

An Objection. What[1] is the illustration for this (proposition)? Not certainly the text of **Manu**[2] viz.—"One may slay without hesitation a desperado[3] who approaches (with a murderous intent) whether (he be) a preceptor, a child or an aged man, or a Brâḥmaṇa deeply versed in the Vedas (351). By killing a desperado (intent on doing harm), the slayer incurs no guilt, whether (he does it) publicly or in secret; (for in such a case) fury recoils upon fury[4]. (352). Also, "One should (certainly) kill on the field of battle a desperado who approaches with an intent to kill, even though he were a special scholar of the Vedas, and thereby he does not incur the sin of a Brâḥmaṇa-killer" and similar others are the *Arthas'âstra* texts.[5] "This expiation has been prescribed for unintentionally killing a Brâḥmaṇa; but for intentionally slaying a Brâḥmaṇa no atonement is ordained," and

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According to Sanskṛt writers if there be a direct and clear conflict between two texts, both lose their binding character, and one is left to accept either at his option. There is also another course which is resorted to and that is by assigning the affirmative (भाव) and negative (अभाव) clauses to their proper and appropriate places and thus removing the conflict. An example will make this clear. "A Brâḥmaṇa *may* eat flesh." This conflicts with the general prohibition of flesh against Brâḥmaṇa. Then follows the appropriation (विषयव्यवस्था) *viz.* "a northern Brâḥmaṇa *may* eat flesh—a Southerner *must not.*" The reader will note the two texts, an apparent complict between which has introduced Verse 21.

A very good instance of विकल्प and विषयव्यवस्था may be found in Yâjn II. 277 "शस्त्रावपाते गर्भस्य पातने चोत्तमो दमः। उत्तमो वाऽधमो वाऽपि पुरुषस्त्रीप्रमापणे" Commenting upon this विज्ञानेश्वर says पुरुषस्य स्त्रियाश्च प्रमापणे शीलवृत्ताद्यपेक्षयोत्तमो वा व्यवस्थितो वेदितव्यः। and this is further made clear by विश्वेश्वरभट्ट in the सुबोधिनी thus—शीलाचारवतः पुरुषस्य तथा स्त्रियाश्च मारणे उत्तमसाहस एव दंडः। शीलाचाररहितायास्तु मारणे प्रथमसाहस एवेति विकल्पव्यवस्था ज्ञेया।

It will thus be noted that either of these have a scope when there is a conflict. The Author here says that there is no room for resorting to either as there is no conflict at all.

1. From this clause down to p. 711. line 17 is stated the objection; or the पूर्वपक्ष.

2. Ch. VIII. 351.–352.

3. आततायिन् This word has been translated as 'an assassin' in the Sacred Books of the East; but having regard to its wide connotation a *desperado* would be a proper rendering.

4. Note the gloss of Kullûka. यस्माद्धन्तृगतो मन्युः क्रोधाभिमानिनी देवता हन्यमानगतं क्रोधं विवर्धयति। *i. e.* the violence of the assailant generates and fosters the fury of the person attacked.

5. Manu, XI. 89.

such others are *Dharmas'astra* texts; and it is proper in the case of a conflict between the two, that the *Dharmas'astra* should have force, (since), these two (kinds of) texts not being likely to be in (reference to) one subject, there would be no conflict, and the consideration of their force or weakness does not arise.

Moreover, premising with the text[1] viz. "the twice-born may take up arms where the law is being flouted &c." and proceeding with the text[2] "in their own defence and in the defence of the *dakṣhiṇâ*, in a battle-field, and in the protection of women and Brāḥmaṇas; he who kills within the limits laid down by law, incurs no guilt." one is not amenable to the punishment for slaying in a fair fight an assailant as also one who is intent upon killing women or Brâḥmaṇas (while engaged) in self-defence or in the defence of the *dakṣhiṇā*—wealth collected for distribution among the Brâhmaṇas assembled at a sacrifice—and (other) utensils used for a sacrifice, the text viz. one may etc. a preceptor, or a child or an aged man[3] etc. has been given as an explanatory[4] affirmation of the same[5]. Implying thereby that one may kill even the preceptor and others who are absolutely immune from being killed, when they attack with a murderous intent, what then of others? From the use of the words *wâ*[6] (or), and also of *api* (even) in (the text) "even though he were a special scholar of the *Vedas*[7] &c." the inference is not (intended to be) suggested that the preceptor and others should be killed, as also from the text of **Sumantu** viz. "There is no guilt in killing an assailant (with a murderous intent) excepting (when it is) a cow or a Brâḥmaṇa." and also according to the text of *Manu*[8] viz. "Let him not injure the preceptor, nor him who expounds the Vedas, nor the mother or the father; nor also the Brâḥmaṇas, cows nor an ascetic." This text is used with a purpose (lit. meaning), inasmuch as it is intended to prohibit the killing of the preceptor and others (when they approach) as assassins, and not otherwise, as the prohibition of murder in

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1. Manu. VIII. 349.
2. Manu. VIII. 350.
3. Manu. VIII. 351.
4. अर्थवादम्.
5. i. e. Chap. VIII. 349-350.
6. In Manu. VIII. 350 (See above).
7. See above p. 709 l. 5
8. Ch. IV. 163.

general is already deducible from the general principles (of law). Even the text[1] "by killing a desperado the slayer incurs no guilt" is intended to apply to others than Brâhmaṇas. Since, (by the text) "an incendiary, a prisoner, one armed with a deadly weapon, a robber and one who causes the deprivation of land, wife, and wealth, these six are (known *Âtatâyinas*) desperados or felons" and also "one who is armed with a sword, poison, and fire, who is ready to utter a curse with hand uplifted, who kills by means of *A'tharvaṇa* charms, who is a traitor to the King, who violates a married woman, who is ever ready to prick a hole (whereever found) one should know these and all such others as desperados or felons (Âtatâyinaḥ)," the *Âtatâyins* have been indicated generally. Therefore the result is that when Brâhmaṇas and also others are killed as assailants by inadvertance while being warded off by one acting in self-defence and having no intent to murder, in such a case a light expiation will be (sufficient) and no punishment from the King (will be necessary). Therefore another illustration should be cited here.

* PAGE 17
An Answer

(To the above objection) the answer is: "As acquisition of a friend is superior to the acquisitions of gold or land, so one should endeavour for his acquisition" is an *Arthaśâstra* text. "In conformity with the principles of legal science, and divested of anger and avarice" is a *Dharmas'âstra* text. There occurs a conflict of these two in some cases. As e. g. in a suit where the procedure is of a fourfold character; if success is secured to one party, acquisition of a friend would be made, but the *Dharmas'âstra* would not be followed; while if success is secured to another party, the *Dharmas'âstra* would be followed; but (it) would prejudice the acquisition of a friend, in such a case the *Dharmas'âstra* has more force than *Arthasâstra*. Hence **A'pastamba** has shown the importance of expiation in the text[2]. "This very same (penance is ordained) for him who when his *Dharma* (duty) and *Artha* (gain) come into conflict, chooses the *Artha*." By the expression "This very same" the twelve years' expiation[3] is intended.

1. Manu. VIII. 352.
2. I. 9. 24, 23.
3. See Âpastamba I. 9, 24, 20.

Viramitrodaya

Indeed, when there is a conflict between two *S'âstra* texts, how is a suit based on facts to be disposed of? So the Author says

Yâjñavalkya, Verse 21.

Vyavahârato, 'as determined by usage', in the matter of a point in a law-suit, *Smṛtyoḥ*, 'between two *Smṛtis*', *i.e.*, two texts of *Dharma s'âstra*, when there is a mutual 'conflict' *virodhe*, *tu*, 'indeed', *nyâyaḥ*, 'principles of equity', *i.e.*, the principles of logic helpful in effecting an adjustment of the points at issue, *balavân*, 'shall prevail', *i.e.*, shall determine. In short, whichever *Smṛti* is adjustable in a particular topic according to logical principles in that matter, that *Smṛti* is authoritative. By the word *tu*, 'however', has been excluded the power of *Smṛti*, when in conflict with *S'ruti*. As has been said[1]: "When there is a conflict between a *S'ruti* text and a *Smṛti* text, *S'ruti* alone preponderates. On a conflict mutually *inter se*, however, what is in accordance with equity is authoritative."

The use of the word *Smṛtyoḥ*, 'between two *Smṛtis*', is indicative of the texts of the same category. Therefore it should be understood that where between two *S'ruti* texts only or two *Artha śastra* texts only there is a mutual difference, principles of logical reason are decisive.

By the use of the word *tu*, a second time, are excluded the *Purâṇas*. By this, when compared with the *Purâṇas*, the *Dharma-Sâstra* incorporating the *Smṛtis* is not (more) powerful. On the other hand, as with two *Smṛtis*, when there is a conflit mutually between a *Smṛti* text and a *Purâṇa* text, the greater or less power or weakness is determined by regard to the principles of logic, which are helpful in securing the subject of the plaint. (21).

S'ulapâṇi

Yâjñyavalkya, Verse 21.

When a conflict arises between two *Dharma Sastra* texts, the suit should be decided by following the maxim of "the general rule and the exception," Thus: "He[1] who enjoyes without a lawful title, as by his father and three prior ancestors, the property cannot be taken away from him because it has descended through three lines of ancestors," and "He[2] who enjoyes without title for ever so many hundred years, the ruler

1. See Nârada Ch. I, 91. 2. Nârada Ch. I, 87.

of the land should inflict on that sinful man the punishment ordained for a thief", of these two texts, one of *Dharmaśâstra*, and another of *Arthaśâstra*, when there is a conflict, the *Dharmaśâstra* text propounding proprietorship by a successive enjoyment for three generations (although) without a title, has force. It is in conflict with the *Dharmaśâstra* text laying down a punishment for possession without title eventhough for one hundred years. So Nârada[1]: "Where there is a conflict between a *Dharmaśâstra* text and an *Arthaśâstra* text, giving up the *Arthaśâstrâ* text, one should act up to what is stated in the *Dharmaśâstra*". (21)

It has been said above[2] that "Next, the plaintiff should immediately have written down the evidence by means of which the matter in dispute is to be established". What are those means? anticipating this the Author says:—

Yâjñavalkya, Verse 22.

Evidence has been stated to consist of a writing, possession, and withesses. In the absence of any of these, the ordeal is said to be another (means of evidence).

Mitâksharâ :—That by (means of) which a thing is measured or discriminated is **pramâṇa**, *evidence*. That, moreover, is twofold, *viz.* **human** and **divine**. Of these **mânavam**, *human* evidence is (of a) threefold (character) *viz.* **likhitam, bhuktiḥ, sâkshinaḥ.** *writing, possession and witnesses*; so it *has been laid down*, **kirtitam**, by learned sages. Then (again), writings are of two kinds. *A* **S'âsana**, *royal grant*, and **Chîrakam**, *a scroll* or *deed*, A Royal grant has been defined before[3]. A scroll or deed (is as) will be defined (hereafter)[4]. **Bhuktiḥ**, *possession*, means enjoyment by (actual) occupation. **Sâkshiṇaḥ**, *witnesses, i. e.*, of the character and kinds to be described hereafter[5].

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1. Ch. 39.
2. Yâjñ. I[?]-7 (English Tr. p 672. lines 14-16 above).
3. Yâjñ. I. 318. p. 530.
4. Yâjñ. II. 84.
5. *i. e*, in Section V, "Of the Witnesses."

The four kinds of evidence.

It may be said that a writing and witnesses may properly be (accepted as) evidence as they may be included in the *śâbda*[1] mode of proof (*Pramāṇa*), as they serve as a medium *i. e.* of expressing (the meaning of) words.[2] But how can possession be a mode of proof? To that the answer is that even possession when satisfying certain (specified) conditions will invariably and correctly measure the probative value of the sale and other transactions which are (set up as) the basis of ownership, and assist an inference (to be drawn), or in the absence of a direct inference, a conclusion may be drawn by implication, and thus it (*i. e.* possession) may be included either in an *inference* (*Anumâna*) or an *implication* (*Arthâpatti*) and be a (good) means of proof.

In the absence of any of all these three (modes of proof) viz: writing &c., the author has mentioned[3] the evidentiary value of any of the ordeals, the character and kinds of which will presently be described, subject to the conditions as to the kind, country, time and the (particular) thing. That ordeals are (to be accepted as) a mode of proof only in the absence of human evidence is inferable from this very text, as the nature and conclusiveness of ordeals are derived from traditional lore, *i.e*, Âgama-Texts. Hence where two persons simultaneously go to an officer of law in reference to a matter in dispute between them, and one adduces human evidence, while the other resorts to the divine test, in such a case the human evidence alone should be accepted. To the same effect is **Kâtyâyana**[4]:—"If one (party) sets up human evidence and the other resorts to the divine test, in such a case the King should accept the human evidence and not the divine test". Even so where human evidence is available for establishing (only) a portion of the principal point (at issue), even there the divine test should not be resorted to. Thus, in a suit where the complaint is that 'having received a hundred at this rate, the defendant does not pay it back' and upon a denial (of the claim by the defendant) there

1. One of the several Pramāṇās. The Naiyāyiks recognise only four *viz.* प्रत्यक्ष, अनुमान, उपमान and शाब्द. The Vedantins and the Mīmāmsakas add two more *viz.* अनुपलब्धि and अर्थापत्ति, while the Sānkhyas admit only three viz. प्रत्यक्ष, अनुमान and शाब्द.

2. शब्दाभिव्यक्तिः = शब्दस्य अभिव्यक्तिः &c.

3. *i. e.* in the principal verse of Yâjñavalkya.

4. Verse, 218,

are witnesses for (establishing) the acceptance of the loan, but not for the (particular) amount or the rate of interest, and the plaintiff offers to prove his case by an ordeal, in such a case, inasmuch as under the rule[1] (of procedure), viz., 'regarding proof of a particular portion only,' the particular proof about the amount and rate of interest follows (by implication), there is no scope for an ordeal. As has been observed by **Kâtyâyana**[2]:—"Even if the human evidence offered by the contending parties cover only a portion of the subject-matter, it should be accepted, and not the divine test even if it (*i.e.*, the divine test) be sufficient to cover the whole suit." As for the rule.—"The trial of secret offenders must (necessarily) be by means of ordeals", even this (test) is intended to govern those cases where human testimony is unavailable. As to what has been said by **Nârada**[3] viz. "(Where a transaction has taken place) in a forest, in a solitary place,[4] at night, or in the interior of a house, and in cases of heinous offences or of denial of a deposit, a divine test is permissible"; even that is (applicable) when human evidence is absolutely impossible (to be adduced). Therefore the general rule (that naturally follows) is that a trial by ordeal is allowable only where human evidence does not exist.

An exception to this, however, has to be noticed[5] viz. "In trials concerning heinous offences of a long[6] standing or in the case of assaults or slander or concerning acts proceeding from violence, the ordeal itself are the witnesses."

Moreover a similar rule is found in some places about a writing, etc. As in 'determining rules laid down for *pûgas*,[7] the *S'renis*, and *Ganas* and other trades, the evidence (to be adduced) is

* Page 18.

1. एकदेशाविभावितन्याय: also called एकदेशविकृतिन्याय: as e. g. श्वाकर्णे पुच्छे वा छिन्ने श्वैव भवति नाश्वो न गर्दभः इति । See the महाभाष्य on the Sutra स्थानिवद्रादेशोऽनल्विधौ 1. I. 56 *Cf.* the rule of 'Part for the whole'

2. Verse 219.

3. II. 30.

4. Dr. Jolly takes निर्जन as an adjective of अरण्य and translates "in a solitary forest", but see the gloss of Asahâya on this:—"अरण्ये वनमध्ये पत्तने वा निर्जनप्रदेशे।"

5. Kâtyāna, Verse 229.

6. Or it may also be interpreted as 'in protracted proceedings, in trials of heinous offences &c. the पक्रान्तवाद and साहसवाद being taken separately. Cited as of Bṛhaspati in V. Mayuakha, see. p.11, l. 14.

7. पूग and श्रेणी, See Yâjñ. II. 30 and Mitâksharâ where Vijñâneśwara thus defines.—पुगाः-समूहाः। भिन्नजातीनां भिन्नवृत्तीनामेकस्थाननिवासिनां संघाताः। and श्रेणयो—नानाजातीनामेकजातीनामप्येकजातिकर्मोपजीविनां संघाताः।

writing and not an ordeal or witnesses[1]." Similarly[2]—'In suits regarding the right of door or way, or the right of erecting or making these, as also in suits regarding the enjoyment of a surface or watercourse, the most important (means of) proof is that of possession; and neither an ordeal nor the witnesses.' So also[3] "In suits regarding valid and invalid gifts, in disputes between a master and his servants, in cases of rescission of (the contract of) sale, and also where after purchasing a thing one does not wish to pay the price, in disputes (arising out) of gambling (with dice) and betting (with animals), wherever a dispute arises in any of these cases, witnesses have been prescribed as the means of proof, and not an ordeal or a writing."

Viramitrodaya

As if distributing the relative strength or weakness of human and divine evidence as means of proof, the Author proceeds

Yâjñavalkya, Verse 22.

Likhitam, 'a document', *i.e.* a writing capable of helping the determination of the point in dispute; *bhuktih*, 'possession', *i.e.*, the occupation of the village, &c., the subject-matter of the dispute; *sâkshino*, 'witnesses', as the Author will describe hereafter.

By the use of the word *cha*, 'and' the Author adds the syllogistic reasoning otherwise known as *Pratyâkalita* as another means (of a decision). Thus fourfold means of human evidence 'has been laid down', *uchyate*, by scholars, and recommended to be followed. The afore said *cha*, follows here also; thereby the oaths are other-worldly means but distinguishable from ordeals as stated by **Nârada**[4] is added here also. (22).

S'ûlapâni.

Yâjñavalkya, Verse 22.

These three means of proof, in cases of recovery of debts and like others, in the absence of documents &c. of the nine ordeals such as the Balance and the rest, any one is (regarded as) the means. Their strength and weakness are stated by **Kâtyâyana**:[5] "Divine means of proof is not permitted, when witnesses exist; so also when there is a document, neither ordeals or oaths".

1. Kâtyâyana, Verse 225.
2. Kâtyâyana, Verse 226.
3. " " 227, 228.
4. See Ch. I, 30 and Ch. II. 30.
5. Verse 223.

As possession is determined in the form of an inference, the use of possession is characterised as inferential. So even **Bṛhaspati**[1], "Witnesses, documents, and inference, thus human evidence is regarded as three-fold. Divine evidence has been stated to be nine-fold beginning with the Balance and ending with Dharma. But the mention of possession is indicative of greater force than document". (22).

When there is evidence on both sides, and when there exist no circumstances which would help in discriminating the strength or infirmity of either, (a question might arise) how should the strength of several proofs adduced by the plaintiff and defendant be determined ? So the Author says

Yâjñavalkya, Verse 23 (1).

In all[2] civil disputes regarding property, evidence adduced in support of a later transaction preponderates.

Mitâkṣharâ :—In disputes for payment of debts, and others *in all civil disputes*, **sarveṣhu arthaviwâdeṣhu**, *later transaction*, **uttarâ kṛiyâ**—that which is established is a *Kṛiya, i. e.*, investigation or proof. When the evidence in support of a later transaction is established, and it *preponderates*, **balavati**, the party setting it up becomes successful; and (in such a case) even if the allegation in the plaint be established, the party setting it up is defeated. As *e.g.* where a certain person establishes a loan by proving receipt, while the other party proves its non-existence by repayment, in such a case where the receipt and payment back are (duly) established by (proper) evidence, this (evidence of) payment back has force and the party who sets up repayment succeeds. Similarly, where after first taking (a loan) at two per cent. a party acknowledged

1. Ch. V. 18.

2. अर्थविवाद—This has been rendered by Mr. Mandlik as 'money-disputes.' Having regard, however, to the proper meaning and scope of the expression here, it would not be an accurate translation. An अर्थविवाद is a dispute regarding title to or possession of property and the property may be moveable or immoveable. This has been made clear by the author himself in his gloss on Yâjñ. Verse (2) see. Sanskrit p. 11 l. 5. सर्वेष्वर्थविवादेषु, मन्युकृतेषु'. An अर्थविवाद in used in opposition to a साहसाभियोग, मन्युकृताभियोग or any such suits the origin of which is in some threat or similar act and not in a substantive claim to property.

(to pay) at three per cent., in such a case even when there is (good) evidence for both the facts, the acknowledgment at three per cent. has force. Because the general rule is that of two contradictory facts unless the prior fact is refuted, the truth of the later one does not become established, as it comes later (in order). It has also been said "a later fact is not established, unless the prior one is refuted."

The Author mentions an exception to this (rule)

Yâjñavalkya, Verse 23 (2).

In the case of a pledge, a gift, and a sale, however, evidence in support of the prior claim preponderates.

Mitâkṣharâ :—In (any of) the three suits concerning a pledge and others, proof of a prior claim alone preponderates. It is thus: when a man after mortgaging his only field with one, and after obtaining some loan, again mortgages it with another and obtains something, in such a case, it (*i. e.* the field) belongs to the first only and not to the second. So also in the case of gifts and sales.

An Objection.

It may be urged that there being no ownership (left) in the subject-matter of a mortgage, thereafter a second hypothecation does not appear permissible; similarly, also the gift or sale of what has been (already) given or sold does not arise at all; and therefore that this text is (thus) meaningless.

The Answer.

To this the answer is, even when no ownership exists, and still when from ignorance or avarice one has a mortgage made again (over the same subject-matter), in such a case the prior transaction alone has force. Thus it is proved beyond doubt that this text is based on reason.

Viramitrodaya.

By the text[1]: 'When the first claim is invalidated, &c.', it has been stated that when the answer has greater potentiality, the evidence for the defendant is taken. There the potentiality of the answer consists in the greater strength of the evidence as exhibited in the answer, so the Author points out the (element of) strength in the evidence.

1. Yâjn. II. 17. See p. 696 ll. 18-20 above.

Yâjñavalkya Verse 23.

Sarveṣhu, 'in all', *vivâdeṣhu*, 'in disputes', where the subject matter is the recovery of a debt, of the evidence on the two sides, *i.e.*, of the plaintiff and the defendant, set out by them each as the means of securing their points, between the two, that which is of a later period, has greater strength. Thus, where the statement of one is, 'a debt has been taken from me by him and he owes it', and the statement by the other is, 'Yes, indeed was taken, but it was paid off', there the evidence in support of repayment has a greater claim. Similarly, when the first loan was contracted under an agreement of a *Kâkiṇi*[1] as the rate of interest, but later on at the rate of a *Paṇa*, and that has been by some arrangement, in such a case, evidence in proof of the later arrangement has a greater claim. And thus, where money deposited with one has been deposited with another, there it should be understood that the bailment with the latter has greater force.

The word *eva*, 'however', is to be used as coming after the word *uttarâ*, 'later'. Thereby, an equality of force of the prior one with it has been excluded. Similarly is the word *eva* in *purvaiva*, 'prior only', is to be explained. In some places, in the place of 'in all civil, &c.', the reading is, 'prior in civil, &c.', *purvâ tu iti*.

Here, the Author states an exception ; *A'dhau*, 'in the case of a pledge', *i.e.*, in a transaction of pledge, *pratigrahe*, 'in the case of a gift', and in the case of a sale also, the prior one of the same kind in each case has a claim in preponderance. The similarity,[2] moreover, consists in the prohibition to dispose of at will, and the destruction of one's ownership. Thus where after a mortgage with one, a mortgage is effected with another, there, the first mortgage is stronger ; also, where after an acceptance or purchase by one, another has resorted to acceptance &c. as a means for (acquiring) ownership, there the first acceptance, &c., is more forceful. This is the meaning in substance.

As against a mortgage, a transaction of acceptance as a gift, and the like, being destructive of the right of ownership, whether of a prior or posterior date is indeed stronger. Thus it should be understood that by regard to its being not obstructive of the free right of disposal by the owner as he likes, whether of a prior date or of a posterior date, a mortgage which is obstructive of the free right of disposal by the owner

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1. A quarter of a *Paṇa*.

2. In a transaction of a pledge, the freedom of disposal of the object of the pledge which remained with the owner before is restrained, and the right of ownership becomes extinct in the other two transactions.

according as he likes is more powerful. This very thing, says, Nârada in Ratnâkara: "Having made a deposit with a mortgage with another, where one makes a mortgage, or sale there, the later transaction is more powerful." (23).

S'ulapâṇi.

Yâjñavalkya, Verse 23

'In all,' *i. e.* such as the recovery of debts and the like, the later transaction *i. e.* acceptance of loan &c. is stronger *i. e.* is entitled to be pursued. One and the same thing, was deposited with one under a loan and taking it from there, it was deposited under a loan with another, there, proof of the later transaction preponderates. In the case of pledges etc. however the prior one is stronger. That which is accepted as a gift is an acceptance (23).

While wishing to establish the evidentiary value of possession when accompanied by certain qualifying circumstances, the Author proceeds to mention other results which flow from a certain kind of possession

Yâjñavalkya, Verse 24.

Of him who while he sees his land being enjoyed by another (for twenty years) looks on and does not object, the loss of (the right to) land occurs after twenty years; of money (the loss takes place) after ten years (under similar circumstances).

Mitâkṣharâ:—**Pareṇa**, 'by another', *i.e.* by a stranger, by one having no connection (whatsoever); **bhujyamânâm**, *being enjoyed*, *i.e.* either land or wealth; **pas'yataḥ abruwataḥ**, *of one who looks on and does not object,' i e.*, does not prevent him; e.g. thus—"This is my land; you should not trespass"; of that **bhumervimsativârṣhiki**, of *land* (thus continuing) *for twenty years*, **hânirbhavati**, *occurs a loss*, caused by the enjoyment for twenty years without protest. **Dhanasya**, *of wealth*, however, (*i. e.* moveables) such as the elephant, horse etc. the loss occurs **das'awârṣhiki**, *after ten years.*

(1) Objection.

Indeed this is not proper: Certainly ownership does not become extinct on account of non-protest, non-protest not being known either in popular usage or in *S'âstra* as a cause of extinguishing ownership, (just) as a gift or a sale is. Nor is ownership acquired by possession for twenty years; because possession is not the (means of) proof of ownership; also because (of the rule that) evidence (*pramâṇa*) does not *create* the matter to be established (*prameya*)[1] it (*i. e.* the *pramâṇa*,) has also not been mentioned among the circumstances giving rise to a title by ownership. For (in the text) "A man becomes owner by inheritance, purchase, partition, seizure or finding. The additional (mode of acquisition) in the case of a *Brâḥmaṇa*, is gift; in the case of a *Kṣhatriya* gains of conquest, and in the case of a *Vaiṣ'ya* and *S'ûdra* gains (by labour)", **Gautama**[2] only mentions these eight as the sources of title by ownership, (he does) not (mention) possession.

* Page 19.

(2) Objection.

Nor would it be correct to say that this very text demonstrates a twenty years' possession as an originating cause of ownership. A title by ownership or its origin are indicated (even) by general popular repute, and not (necessarily) by the *S'âstra* alone. This, however, will be more fully dealt with in the chapter on Partition. The text of **Gautama** is only intended as (laying down) a rule of limitation.

(3) Objection.

Moreover, the text[3] *viz.* "He who enjoys without a title for ever so many hundred years, the ruler of the land should inflict on that sinful man the punishment ordained for a thief." is opposed

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1. प्रमेय (*Prameya*) is that which is to be established; 'the point at issue.' प्रमाण (*Pramáṇa*) is the means of establishing the point at issue. The meaning in the text is that a *pramáṇa* or evidence can only *indicate* or *prove* something which is already in existence; it cannot *create* it; *i. e.* a *pramáṇa* cannot be the 'originating cause' of a *prameya*. अनुत्पादकत्वात् ।

2. X. 38–40.

3. See Subodhini, p. 13. l. 12. and Balambhaṭṭi p. 31. ll 26–28. on this.

4. Bâlambhaṭṭa and others ascribe this text to *Manu*. It is not to be found in the editions of *Manu*. It is, however, found in the Nârada Smṛti. I, 87.

to the theory that possession without title is the source of ownership. Nor also would it be proper to say that the text "He who enjoys without a title &c." is meant to apply to a possession without notice (to the owner), and the text "*Pas's'yatobruvataḥ*[1] &c." to possession with notice (to the owner). The text "he who enjoys without a title" being general in its statement. As **Kâtyâyana**[2] also has said: "One who has forcibly taken away beasts, women, or men should not rest his case on possession (of these) nor his son also"; the rule has thus been established, that moreover an extinction of title is not possible in case of a possession with notice as it is improbable that any cause of an extinction of title would (be suffered to) exist.[3]

Moreover, it should not be supposed that inasmuch as the evidence in support of prior acts preponderates in cases of pledges, gifts, and sales, this (*i. e.* the present) text is intended to lay down by way of an exception the preponderance of the evidence of transactions later in date amounting to twenty years' possession in case of land, and ten years' possession in case of wealth (or moveables). Since in the case of these in reality a transaction itself is not possible, it is only (that which is) one's own (property) that is fit to be pledged, given away, or sold; and there can be no ownership over what has been pledged, given away, or sold. Moreover a penalty has been laid down for a gift and acceptance of that over which he (*i. e.* the giver) does not possess ownership, thus[4]: "He who accepts (as a gift) that which may not be given, as also he who gives it shall both be punished like thieves, and both made to pay the fine ordained for an offence of the highest degree (*Uttama-Sâhasa*)." Moreover if this verse were to be (accepted as) an exception to [the rule regarding the three

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1. *i. e.* Yâjñ. II. 24.   2. Verse, 316.

3. The construction here is rather peculiar. The clause समक्षभोगे etc. in l. 8. is to be taken as part of the objection already commenced and not as a separate objection. The construction here is typically terse—मिताक्षरा. The meaning would be fully brought out by the following complete statement of the component parts in their order:—समक्षभोगे हानेरसंभवः। हानिकारणाभावात्। An extinction of title is not probable in the case of a possession with notice; because no one would allow any circumtance to exist or continue which would in the end lead to an extinction of title.

4. See Nârada Ch. IV, 12.

(transactions) *viz.* pledges etc.] the verse next following (*i. e.* No. 25) does not appear proper as an exception in the cases of *pledges, boundaries* etc. Therefore the extinction of (title to) land etc. does not appropriately follow at all. Nor is the cause of action lost. For in the text :—"Of him who neglects and stands by if a period as aforesaid is passed, the suit does not succeed," **Nârada** has mentioned the extinction of a *remedy* at law when there is laches and such laches is not accompanied by circumstances explaining it ; he does not lay down the extinction of the *right* (itself). Similarly in the text "If the owner is neither an idiot[1] nor a minor and if his chattel is enjoyed (by another) before his eyes, the remedy by a suit is lost to him and the (adverse) possessor becomes entitled to the property." even **Manu**[2] has indicated the loss of remedy only at law and not of the title itself. The loss of the remedy at law would be in this way. The person in possession might say—"This man not being either an idiot, an infant or a minor, I have enjoyed (the property) in his presence without a protest for twenty years and there are several witnesses in (support of) this. If it was (a fact) that I was illegally in possession of his property, then why should he have stood by for so long a time ?" and here the (true) owner would have no answer. This even although he would have no answer as (indicated) above, an investigation on facts is still open—vide the rule:[3] "After discarding all circumvention, the King should decide disputes according to actual facts".

It may also be said : "Even though the title is not extinguished, nor (also) is the remedy lost, still there would be the *danger* of the loss of remedy, and in order to avoid this it has been laid down as an advice that one should not stand by. (To this) however (the answer is that) it is not so ; for, possession (which is) within memory cannot be a cause of creating any apprehension as to the loss (of title); (and moreover) if the only object was to lay down the rule that (one) should not stand by, the use of the term *twenty* would be without a purpose.

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1. Mark the following text of *Nārada* distinguishing बाल, पौगंड, and शिशु. गर्भस्थसदृशो ज्ञेय आऽष्टमाद्वत्सराच्छिशुः । बाल आषोडशाद्वर्षात्पौगण्ड इति शस्यते ॥ १-३६ ;
2. Ch. VIII. 148.
3. Yâjn. II. 19 Page 700. ll. 10–14 above.

It may next be said that by the use of the word twenty, it is intended to lay down the rule that possession for more than twenty years (in itself) serves as a refutation of all objections regarding the defects or flaws in the document, as says **Kâtyâyana**[1]; " Where possession is enjoyed of property belonging to one who is competent, for (a period of) over twenty years and under a document, that document is (presumed to be) free from (all) defects." Even that is not so; for in that case the rule that after twenty years all objections regarding flaws in a document become barred, having a general application, it would not be possible to set up an exception even in the case of pledges etc.[2] As says **Kâtyâyana**[3]: " If a pledge is actually enjoyed as such for twenty years, it (*i. e.* the pledge) is proved by that document (which then becomes) free from all (objections as to) defects." So also[4], "After a boundary dispute is settled, a document describing the boundaries has been ordained; its defects should be pointed out before twenty years (have elapsed)." By this, the text, viz. "(the loss) of money takes place after ten years" is also refuted. Therefore another meaning should be expounded for this verse.[5]

The Answer. * Page 20.

To this the answer is:[6] Here the loss intended to be indicated is that of the profits (or accession) of the land as well as of the wealth, not of the corpus itself, nor of the right of a suit at law. For, even if at law the owner gets (back) the land after twenty years' possession without protest (by him), still he does not get a right to follow the proceeds, both on account of his own fault in the form of non-protest, as also on account of this text. In the case of a possession without notice, however, he (*i.e.* the owner) secures

1. Verse, 299.

2. *i. e.* to say, and thereby the text of Yâjñavalkya II. 25 would be meaningless.

3. Verse, 300.

4. Verse, 301.

5. Here ends the objection which began with the words " नन्वेतदनुपपन्नम् " on page 721, l. 1. above.

6. Vijñâneśwara draws the following सिद्धांत after the above discussion. The reader will note this as a very good instance of a सिद्धांत of the Sanskṛt logic. Vijñâneśwara first gives a literal meaning of the verse at p. 18 ll. 25-27. Then he starts a discussion from p. 18 l. 28 and draws the conclusion or सिद्धांत on p. 20, ll, 15.

the right to follow the proceeds also, under the text, *Pas'yato &c.* (Yâjñ. II. 24), and also in possession with notice and protest, under the text, *Abruvataḥ &c.* (see above p. 720. l. 19-23), before twenty years, he succeeds (even) when there is possession without protest, as the term twenty is used.

It may be objected, thus: Indeed, in that case loss of profits[1] would not follow, inasmuch as the profits arising therefrom possess (the characteristics of) ownership. (To this the answer is), True; it would be so where the accession would remain in the same condition without detriment to its natural state as is the case with beetle and jack fruit trees &c.[2] That, moreover, which arises (as profit) from the land and is perishable by use; in such a case there is loss of ownership as the thing itself has perished. By the text[3]: "He who enjoys without a title even if it is for many hundred years, the ruler of the land should inflict on that sinful man the punishment ordained for a thief," it would follow that assessing in (terms of) an equal money value an amount equal (to the profits) should be made payable as (is done) in the case of a thief; but this conclusion is refuted by the text, "a loss takes place after twenty years." Moreover the punishment from the king still exists even (when the enjoyment is) for more than twenty years on account of a double

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1. Mark the word फल (*Phala*). Its literal meaning is fruit. Here it has to be variously rendered as fruit, profits, proceeds, and accession according as suits the context in each particular case. c/o *Fructus* of the Roman Law.

2. The meaning is that such accesions as remain unaffected even when the fruits have been romoved would not fall under the term फल in the sense that the right regarding फल would be lost. In other words, where the accession is itself the फल as in the case of crops, groundnuts &c. there is no third stage between the land and the fruit and in each case there would occur the फलहानि. But where the fruits or profits are distinct from and a further addition to things which in themselves are accessions to the land, such things have a permanence of their own and are to be distinguished from the fruits which are perishable and are of a transitory character. Accessions of the former kind do stand without any detriment to their state *e. g.* mango-tree, though the fruits are taken away the tree, which in itself is distinct from and an accession to the lands, stands unaffected.

3. Nârada. I. 87.

reason *viz.* the possession being without title, and there being no exception stated (to the general rule).

Therefore by reason of the default of the owner in the shape of neglect or laches as also on account of this text, the rule is established that those proceeds are not recovered as are lost for more than twenty years. This also explains the text—"in the case of wealth the loss takes place after ten years." (24).

S'ulapâṇi.

Yâjñavalkya, Verse 24.

By not raising a dispute when (land) is in the possession of another and with good will is being enjoyed by him, after twenty years the right of ownership becomes lost. That which is covered by twenty years' is twenty years' (possession). **Vyâsa** states a special rule: "For twenty years, one whose land is enjoyed by others in this world, when a competent ruler exists, the right of ownership of that man cannot be established".

Dhanasya, 'of the wealth' such as of the cow &c., *daśavârshiki hâniḥ* 'the loss occurs after ten years'. **Manu**[1]: "Whatever (chattel) an owner sees enjoyed by others during ten years, while, though present, he says nothing, that (chattel) he shall not recover". (24).

Yâjñavalkya Verse 25.

Except in the case of pledges, boundaries, open deposits, wealth belonging to the dull in intellect, the minor, as also in the case of sealed deposits and even in the case of wealth belonging to the kings, women and Brâhmaṇâs.

Mitâksharâ :—The pledge and a boundary and an open deposit (together make up the compound expression) 'pledges, boundaries and open deposits'; the dull in intellect and the minor (together make up the compound) 'the dull in intellect and the minor,' Their wealth (is) "the wealth of the dull in intellect and the minor", "pledges, boundaries and open deposits" and "the wealth of the dull in intellect and the minor" (make up the compound expression) **âdhisimopanikshepa-jaḍabâla-dhanâni,**

1. Ch. VIII. 148.

pledges, boundaries, open deposits and the wealth of the dull in intellect and the minor; **tairvinâ**, *excepting these.*

Upanikṣhepo, *an open deposit,* is wealth placed for safe custody in another's hand after exhibiting the quality and the quantity. As says **Nârada**[1] : " Where a man entrusts any property of his own to another in confidence and without suspicion, it is called by the learned a deposit—a (separate) title of law." Placing near is (called) **upanidhiḥ**, *deposit.*

In the case of a pledge &c. no loss (of title) occurs of land even after twenty years, or of wealth after ten years, even when the owner looks on and does not protest; because (in that case) that[2] kind of default of a party is wanting, and also inasmuch as in each such case exist circumstances which explain the (apparent) delay.

Moreover the possession of a pledge is held with the condition of the pledge attached to it, and thus there is no default by a party even if there is delay.[3] A delay is permissible in the case of (disputes regarding) boundary as it is easy of proof on account of the marks made permanent by (the spreading of) husk,[4] fire etc. In the case of open and ordinary deposits, use and enjoyment (of the subject-matter) is prohibited ; and where such possession is in transgression of the prohibition, the neglect or delay is explained as the party gets the property with interest and profits ; in the case of the 'dull in intellect and the minors,' delay is very justifiable on account of the dullness and the minority ; in the case of the king, on account of his absorption in various duties ; in the case of women, on account of ignorance as well as immaturity (of intellect) or unskilfulness. As for a learned Brâhmaṇa delay is proper, as he is engrossed in studying

1. Ch. II. V. I.

2. *That kind of default* तथाविधस्य *i. e.* of the kind which would bring about a loss of title.

3. *i. e.* even if the suit is not brought within the period ordinarily assigned for suits, of that nature. उपेक्षा means-not bringing an action—laches.

4. तुष—(*tusha*) is the husk of paddy. It, among other things, is interred into a pit dug deep and covered over by the earth. The marks created in this way acquire a permanence which is not lost and serve as good evidence in deciding boundary disputes; see further on Yâjñ's II, 151 Vijñâneśvar's comments.

and teaching (the Vedas), and in thinking over their import and bringing it into practice.

Therefore in the case of pledges etc., there being a (proper) reason for (explaining) delay in all cases, no loss of profits ever occurs (even) when there is possession with notice and without protest.

Viramitrodaya.

Means of evidence have been statel, such as documents, &c. There inferential evidence has been expounded; that consisting of witnesses will be stated later on; and in the manner of the rule[1] 'of the needle and the kettle', the Author expounds possession as a means of evidence, in six verses

Yájñavalkya Verses, 24, 25

Without a mortgage or a similar other transaction in regard to one's own, even while one is looking on, and not asserting that 'this land is mine' and thus not protesting against the possessor of one's land, being occupied 'by another,' *parena*, *i. e.* by one other than oneself, 'for a period of twenty years,' *vinśativárṣhiki*, *i. e.* by a continuous possession, the loss occurs.

Of one's *i. e.* of one's ownership of the movables such as the cow &c., which is held in possession, the loss occurs after ten years. This is the special point (of difference), *Hánih*, 'loss' *i. e.* destruction. (24).

Âdhiḥ, 'pledge' *i. e.* an encumbrance; *símá*, 'boundary,' *i. e.* the boundary of a village &c.; *upanikshepaḥ*, 'an open deposit,' *i. e.* an article made over to another after ascertaining its quality &c., *jaḍasya*, 'of the dull in intellect,' *bálasya*, 'of a minor,' or of an adolescent below sixteen years in age; *dhanam*, 'property,' such as the cow, land &c.

Upnidheḥ, 'of a deposit,' *i. e.* of property placed in a vessel without being measured out; and the properties relating to the king, a woman, and a learned man. By the use of the word, *api*, 'also,' the Author includes properties mentioned by **Bṛhaspati**[3] *viz.*: "Such

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1. सूचीकटाहन्याय—'The maxim of the needle and the kettle'. It is used to denote, that when two things, one easy and another difficult, are intended to be done that which is easier should be first attended to, as when one has to prepare a needle and a kettle, one should take up the needle first, as it is easier as compared with the preparation of a kettle.

2. Ch. IX. 12.

wealth as is possessed by a son-in-law, a learned Brâhmaṇa, or by the king or his ministers, does not become their property as owners, even after a long period of time." (25).

S'ûlapâṇi.

Yâjñavalkya, Verse 25.

Upanikṣhepaḥ, 'a deposit', placed in a vessel, without mentioning (the details) and with a seal, what is deposited, thus stated by **Nârada**[1]. *Jadaḥ*, 'a dullard', one dull in intellect; *bâlaḥ*, 'a minor', *i. e.* one who has not reached the age of sixteen; *upanidhiḥ*, 'a bailment', what is made over for use out of affection, *striyaḥ*, 'women' *e. g.* female servants and the like. Excepting these, in other properties, after the prescribed period of occupation, the right of the owner becomes extinct. These do not become the property of the person is possession.

Bṛhaspati[2] mentions another rule also: "Such wealth as is possessed by a son-in-law, a learned Brāhmaṇa, or by the king or his ministers, does not become their property even after a long period of time". "Of the weak, indolent, those afflicted with a disease, the terrified and the travellers, property which belongs to them under a *Śâsana* grant, cannot be taken away by possession, even if possessed". *Śâsanārudha*, 'entered in a *Śāsana* grant' *i. e.* engrossed on a copper plate or the like. (25).

The Author mentions a rule imposing special penalty in cases of pledges &c.

Yâjñavalkya, Verse 26.

A trespasser upon pledges etc. should be made to pay the principal amount to the owner, and also to the king a fine of equal amount or according to (his) capacity.

Mitākshara:—*Of pledges &c.*, **âdhyâdinam** *i. e.* (the text extending) as far as the wealth of 'learned Brâhmaṇas' (in verse 25 above); *trespasser*, one who bases his title upon the strength of long-continued possession **dhanam**, *the amount, i.e.* that *principal amount* the *subject of dispute.*

Here the clause **dâpayet**, *should be made to pay*, **daṇḍam cha tatsamam**, to the owner, is an *Anuwâda*[3] and the clause *as*

1. Here according to **S'ulapâṇi** an *Upanikṣhepa* is a sealed deposit, while the **Mitâkṣharâ** and the **Viramitrodaya** interpret it as an open deposit.

2. Ch. IX. 12.

3. A *Vidhi* is the principal statement and an *anuwâda* is only an explanatory repetition of a *Vidhi*; उद्देश्य or अनुवाद is also sometime referred to as प्राप्त, and विधेय as अप्राप्त *e. g.* प्राप्ताप्राप्तविवेकन्याय.

The meaning is that payment of a fine, the imposition of a penalty is the principal thing, while restitution or compensation to the owner is only a subordinate one.

The words उद्देश्य and विधेय require a special notice. उद्देश्य is the subject of an assertion; it is otherwise called अनुवाद, an explanatory repetition

also a fine equal to it, i. e. equal to the amount in dispute should be made to pay to the king, is the *Vidhi.* Although a fine of an equal amount is not in the case of a house, lands &c, still the penalty mentioned further on (Yâjñ. II. 155) *viz.* 'For destroying boundary marks, and for encroaching beyond &c.' should be adopted.

* Page 21.

If perhaps, the trespasser, on account of his immense riches is not (likely to be sufficiently) punished by a fine equal in amount to the principal, then he should be made to pay an amount according to his capacity—(*i. e.*) so much should be caused to be paid, by as much as his arrogance would be tamed down. For in the text[1]:—" They declare that the word *daṇḍa* is derived from *damana* (taming down or restraining); therefore he (the king) should restrain the unrestrained. " the word *daṇḍa* is used in the sense of restraining or taming down. He, however, who does not possess wealth even equal in amount to the principal, should be made to pay only so much as would (serve to) punish him. He, moreover, who has no money whatever, should be punished by the (several modes of punishment such as) *dhigdaṇḍa* and others. For Manu also says[2]: " He should punish first with the expression (*dhik*) fy ! or shame ! then by (a harsh) reproof; thirdly by a fine (in money), and after that, by the punishment or chastisement. "

The punishment or chastisement of the body has been indicated to be tenfold in the case of persons excepting Brâhmaṇas. So says Manu[3] " Manu, born of the Self-existent has mentioned, in the case of the three (lower) varṇâs (orders) ten places for (inflicting) punishment; but a Brâhmaṇa shall go unhurt (from the country); (the ten places are) the organ, the belly, the

of, or reference to, what is already mentioned; विधेय is the fact, or the quality asserted of the subject; it is otherwise called the predicate, and is to be proved or established. The उद्देश्य is already known or assumed as established; while the विधेय is that to establish the connection of which with the उद्देश्य is the object of the proposition. To take an illustration: "Devadatta is wise." Here Devadatta is the उद्देश्य or the subject, and being already known or assumed as established is from another point of view also an अनुवाद; but " wisdom " is that which is to be established with reference to Devadatta, and is therefore the विधेय.

1. of Gautama X. 28. 2. Ch. VIII. 129. 3. Ch. VIII. 124—125.

tongue, the two hands, the two feet, the eye, the nose, the two ears, the wealth, and also the (whole) body." It should be observed that the punishment should be administered only to such parts of the body as the organ &c. by means of which an offence has been committed; or (he) should be made to serve on labour, or be consigned to a prison-house. As has been said by **Kátyâyana**[1]; "If it is found that he is unable to make the payment of money, he should be made to work under his orders; if unable, he should be consigned to a prison-house; excepting (in the case of) a Brâhmaṇa". In the case of a Brâhmaṇa, however, in the absence of money, 'prevention of the act, etc.' should be ordered; as says **Gautama**[2]: "Preventing (a repetition of) the deed, publicly proclaiming his crime, banishment, and branding (are the punishments for a Brâhmaṇa) and he (*i. e.* the king) who does not do his duty (by inflicting punishment) &c.[3]" **Nārada**[4] also after laying down the law *viz.* "Corporal punishment, confiscation of entire property, banishment[5] from the town and branding, as well as amputation of the (guilty) limb are (declared to be) the punishments for *Sáhasa* of the highest degree; this law of punishment is ordained for all (castes) indiscriminately," has said,[6] "Excepting (only) corporal punishment in the case of a Brâhmaṇa. A Brâhmaṇa must not be subjected to corporal punishment. Shaving of the head, banishment from the town, branding on the forehead with a mark of the crime of which he has been convicted, and expulsion after parading on an ass shall be his punishments." The rule for branding has (there) been laid down (thus)—"For violating a Guru's bed (the mark of) a female part shall be impressed; for drinking liquor, the sign of a tavern; for theft, a dog's foot; and for murdering a Brâhmaṇa headless corpse.[7]" As for the text[8] of **Âpastamba**, *viz.* "In the case of a Brâhmaṇa, his eye-sight should be blocked," the meaning thereof is that at

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1. Verse, 479. 2. XII. 47.

3. The text given here is not complete. The full text of गौतम being अप्रवृत्तौ प्रायश्चित्ती स: *i.e.* the king who does not do his duty in this way makes himself liable for a penance. 4. Ch. XIV. 8. 9.

5. व्रज् is used here in the sense of प्रव्रज्-send into exile.

6. Ch. XIV. 9, 10. 7. Manu. IX. 237. 8. II. 10. 27, 17.

the time of banishing a Brâhmaṇa from the town his eye-sight should be blocked by means of a cloth, etc., and not that his eyes should be pulled out. For otherwise there would be a contradiction with the texts of **Manu** and **Gautama**, *viz.,* "a Brâhmaṇa should be exiled unhurt" "a corporal punishment is not (laid down) for a Brâhmaṇa." So enough of prolixity.

Viramitrodaya.

In the case a pledge and other kinds mentioned above, by reason of the force of possession, not only of the person in possession is there no title by ownership established, but on the other hand, for one who takes it away by the force of enjoyment, there is even punishment; so the Author says

Yâjñavalkya, Verse 26.

Âdhyâdînâm, 'of pledges &c.' particularly as owner, *hartâram*, 'trespasser,' one who appropriates it at his pleasure, *dhanine*, 'to the owner' *i. e.* to the owner of the property pledged, *dhanam*, 'the property' in the form of the pledge which is the subject of dispute, *dâpayet*, 'should cause to be paid,' the inquiring officer.

Tatsamam, 'equal to that,' *i. e.* in specie or by the value, equal to the pledged article, or in accordance with the capacity of the trespasser: if he has moderate wealth, less than that, and if possessing more wealth, even larger than that, a 'penalty,' *daṇḍam*, should be caused to be paid to the king.

By the use of the word *cha*, 'and,' is added the banishment &c. of one who has not even ordinary wealth. The collection of indeclinables such as *atha*, *api*, and *wa* is indicative of option. (26).

S'ulapani.

Yajñavalkya, Verse 26.

One taking away the wealth of the owner by means of a pledge &c. the Royal officer should compel to be restored to the owner. A fine equal in amount to it. In the case of an incapacity to pay a fine to that extent, even a small amount. (26).

It has been laid down that possession is evidence of title of ownership wherever possession is an invariable accompaniment of ownership. As, however, every kind of possession is not necessarily coupled with ownership, it may be asked, what kind of possession (is it that) is evidence? So the Author says

Yâjñavalkya, Verse 27 (1).

Title is superior to possession excepting where it (*i.e.,* **possession) has descended from a line of ancestors.**

Mitâksharâ:—The origin of ownership, such as gift, purchase &c., is (called) **A'gama**, *title.* It is more powerful than even possession, inasmuch as possession as an index of ownership, is dependent upon title. As says **Nârada**[1] "After (establishing) a a clear title, possession obtains an evidentiary value. Possession without a title which is not clear does not make (any) evidence (of ownership)."

Nor, moreover, can it be said that the title to ownership can be obtained from mere possession, as it is likely that property which belongs even to others may be enjoyed by trespass &c. Hence also has it been said[2]: "He who pleads possession, only and no title of any sort, should be considered as a thief in consequence of his pleading such illegitimate possession." Therefore the conclusion is that only that possession which is coupled with the five characteristics, *viz.*: that it is with title, long-continued, uninterrupted, without a protest, and with notice to the opponent is (good) evidence (of ownership). Moreover it has been stated[3]: "Even possession is five-fold, *viz.*: it is with a title, long-continued, uninterrupted, without a protest (from the opponent) and with notice to[4] the opponent."

Sometime, however, possession is accepted as evidence and (in such a case) it does not depend upon title, so the Author says:

1. Ch. I. 85.
2. By Nârada ch. I. 86.
3. By Vyâsa.
4. *i. e.* in the presence of the defendant.

Vinâ pûrwakramâgatâditi, *excepting where it has descended from a line of ancestors*; **pûrvakramaḥ**, *line of ancestors*, is the (continued) line of the past three ancestors such as the father and the rest. **Vinâ**, *excepting*, that **bhoga**, *possession*, which has come down in this way, **A'gamo abhyadhikaḥ**, *title is superior*; this is the context. The meaning is that such a possession being even superior to title is (good) evidence independently of title.

* Page 22.

Even then, it is independent of the knowledge of a (lawful) title, and not of its existence itself. It should be marked that the existence of title is deducible from that (*i.e.*, possession) itself. Moreover, the text 'excepting when it comes down from a line of ancestors' refers to immemorial[1] possession; while the text "title is superior to possession" refers to possession within memory. Hence also in the case of possession within memory, it (*i.e*, possession) has evidentiary value only when it co-exists with (the means of) knowledge of title, because if the absence of knowledge is not here properly accounted for, it is possible that an (absolute) absence of (a legal) title may be presumed. In the case of immemorial possession, however, a long continued possession is itself evidence (of ownership) independently of the knowledge of title, because in that case there is an absolute absence of the means by which want of knowledge of the origin (or title) is accounted for. This very thing has been made clear by **Kâtyâyana**[2] "In cases (falling) within the memory of man, possession in the case of land, is regarded as evidence of ownership when it is with title. But in cases (extending) beyond human memory, enjoyment by three generations suffices, on account of the absence (of knowledge) of (the proof of) title." Time within the memory of man extends as far as a hundred years. As there is the **S'ruti**, "a (*purusha*) man has a hundred years' (duration) of life, *Anugamâbhâvât*, on account of the absence of proof &c., *i.e.*, owing to the absence of a positive certainty as to the non-existence of title on account of the

1. Here there is a mistake in the print; a p. 22 l. 3 for स्मार्तकाल read अस्मार्तकाल.

2. Verse, 321; Comp. Nárada I. 89.

non-existence of proper means of the knowledge of title[1]. Therefore possession creates ownership when it is for more than a hundred years (which is), uninterrupted, without a protest (with the knowledge), and in the presence of the opponent and when the origin of title has not been determined, inasmuch as a (legal) title is presumed in the absence of (proof to) the contrary. Even in the case where possession extends beyond the memory of man, it is not evidence (of ownership) if there is a tradition about its being without a title. Hence also has

1. योग्यानुपलब्धि:–mark this term. उपलब्धि means ज्ञानम् or knowledge; and an अनुपलब्धि is its absence. An अनुपलब्धि may occur in two cases, *viz.* (I) where there is a capacity for the perception, but still there is want of perception; and in this case the अनुपलब्धि is योग्या; and secondly (2) where there is an absolute absence of capacity for perception and therefore there is want of perception in which case there is योग्यानुपलब्ध्यभाव:. Thus, घटज्ञानाभाव may be possible in two cases (1) where the घटज्ञानाभाव is due not to an absolute absence of the means of perception of the घट such as eyes &c. but still there is ज्ञानाभाव. Here no doubt there is an अनुपलब्धि in spite of the existence of circumstances necessary for an उपलब्धि *i. e.* there exists an initial capacity for the perception, but still an imperception occurs and so the अनुपलब्धि is योग्या. Stated in simple language, where there is योग्यता for उपलब्धि but still there is an अनुपलब्धि we have a योग्यानुपलब्धि. See *Bâlambhaṭṭi* p. 42 l. 3. "योग्यत्वे सत्यनुपलब्धि:।" (2) where, however, there is an absolute absence of the (योग्यता) capacity for perception, there is no possibility of an उपलब्धि at all as e g. on account of blindness &c. in such a case there is अनुपलब्धि but not a योग्यानुपलब्धि, so there is a योग्यानुपलब्ध्यभाव: ।

In the present context, where the possession is recent, it is possible to ascertain the origin, but there may exist circumstances which may account for the non—knowledge (अनुपलब्धि) of the origin, in such a case there is योग्यानुपलब्धि. In the case of long—continued possession the origin of the title is not known, and it is not known because it is absolutely impossible to know it. Here there is योग्यानुपलब्ध्यभाव ।

The purport of the above may be put in short and simple language thus: Non-perception of a thing may be due to two circumstances *viz.* (1) absence of means of perception but with a capacity to perceive, and (2) absence of the capacity for perception—In (1) it is योग्यानुपलब्धि:, in (2) it is योग्यानुपलब्ध्यभाव: *e. g.* the question is whether a man is learned.' For determining this, learned men are required to test the capacity of the man who says that he is learned. If learned men are available and still the capacity or learning of the man does not come out it may be properly said that the learning does not exist at all—here there is a योग्यानुपलब्धि: But if learned men are not available and the capacity remains undetermined on that account there is an अनुपलब्धि: which may be explained by a proper reason and therefore there is a योग्यानुपलब्ध्यभाव: ।

it been said[1] that "He who enjoys without a title even if it be for many hundred years, the ruler of the land shall inflict on that sinful man the punishment ordained for a thief."

It should not, however, be supposed by the use of the singular number in "He who enjoys without a title" and the use of the word *even* (*api*) in "even if it be for many hundred years," that a punishment has been ordained (only) for the first acquirer without title even if the possession is held for a long time. This does not hold as (in that case) in the case of the second and the third generation even a possession without title may come to be accepted as evidence (of ownership), as **Nârada**[2] has said: "In the case of the first acquirer, gift is the (proper) cause (of title); while for the intermediate generations possession with title (is the cause.)" Therefore in all cases of possession without title the rule (laid down in) "he who enjoys without a title &c." should be observed.

As to what has been said[3] *viz.* "When possession has been successively held, even though unlawfully, by the three ancestors and the father, the property (so held) cannot be taken away from him, because it has descended through three (successive) lives in order," even there, it should be construed as "by the three ancestors along with the father." There also the expression "descended through three (successive) lives in order" is indicative of a period beyond the memory of man. (Because) if it be taken (only as) referring to three (particular) lives, it is possible that three lives might be over even within the space of one year and possession without ownership might become evidence (of ownership) even in the second year (of occupation). And in that case there would be a conflict with the **Smṛti**[4] "In cases (falling) within the memory of man, possession in the case of land, is regarded as evidence of ownership when it is with title."

The text *annyâyenâpi yadbhuktam* 'when possession has been held even though unlawfully &c.' should be construed as follows:— "what has been possessed cannot be taken away, even though it be unlawfully (held); what then where the illegality (of the possession)

1. By Nârada I. 87.
2. See Kâtyâyana, Verse 322.
3. Nârada I. 91.
4. Of Kātyāyana, Verse 321.

is undetermined", inasmuch as the word *api* (even though) has been used in it.

As to what has been said by **Hârîta** *viz.*: "What has been held in enjoyment in continuation by three (generations of) ancestors without any title whatsoever and what has descended through three (successive) lives in order, cannot be taken away", even there, (the expression) *atyantamâgamaṃ vinâ* 'without any title whatsoever' is to be explained as without any available title &c. and not without any title at all. It has (already) been said that there cannot be ownership even with a hundred (generations) of possession if the title itself is not available. The import of *kramât tripuruṣhâgataṃ* 'descended through three lives in order' has been explained.

An objection.

It may be said: "Possession cannot properly be accepted as evidence of ownership, because when it is within the memory of man it is dependent upon title. For, if title is known by other means (of proof), then ownership having been established by the same (means), possession is not evidence either of ownership or of title. And if title is not known by other means, how can possession which is qualified by title be evidence ?" (To this) the answer is as follows: Even possession which is accompanied by a title though proved by other means when uninterrupted creates ownership in course of time. A title though proved is not sufficient to create ownership in course of time, (if it be) without possession, as a gift or sale in the meanwhile might create a title to ownership. Thus the whole is unobjectionable. 27 (1)

It has been said that possession is evidence (of ownership) when it is accompanied by title; then (it may even be said that) title is evidence (of ownership) independently of possession. So the author says

Yâjñavalkya, Verse 27 (2).

In a title also there would be no force if there is no possession even for a short time.

Mitâkṣharâ :—In (the case of) a title where **bhuktiḥ**, *possession even for a short time does not exist,* **no** ; in that (*i. e.* that title) *there is* **stokâpi** *not* full *force* **Balam.**

This is the meaning intended. A **Dâna**, *gift*, is that where there is a cessation of one's ownership and the commencement of another's ownership is secured; if the other accepts it as his own, and not otherwise. Acceptance, moreover, is threefold. *Mental,* **Mânasaḥ**, *Verbal,* **Vâchikaḥ**, and *Physical,* **Kâyikascha.** Of these the *Mânasa* or mental is in the form of a (mental) resolution that 'it has become mine.' "The *Vâchika* or verbal is an objective[1] recognition of the thing (as one's own), with the utterance of the words "this has become mine." The *Kâyika* or physical is of many sorts *viz.* by actual receipt or by touching (the subject matter) &c. In this respect a rule has been laid down : "A deer-hide should be given by (means of touching) the tail, a cow by the tail, an elephant by the trunk ; by the hair, should similarly, a horse be given and a maid by the head." **Âswalâyana** also says.—" The consent of sentient beings should be obtained ; non-sentient beings and a maid should be touched."

* Page 23.

There, in the case of gold (*i. e.* money), as physical acceptance becomes complete only after the offering of the water,[2] clothes &c. all the three modes of acceptance are observed. In the case of land etc., however, a (complete) physical acceptance being impossible without the enjoyment of profits, the acceptance should be by possession (for) howsoever short a time (it may be ;) otherwise a gift, or a sale does not become complete. Thus a title becomes weak if it is unaccompanied by (actual) physical acceptance in the form of the enjoyment of profits, because, there such a title *i. e.* one with possession is wanting. This,[3] however, would be

1. सविकल्पक is the same as सविशेषणक having reference to a particular condition or object. Note the ordinary process in daily offerings. *e. g.* (1) अग्नये स्वाहा (2) अग्नय इदं, (3) न मम Thus it typifies the essentials of a donation *viz.* स्वस्वत्वनिवृत्ति and परस्वत्वप्राप्ति *cf. Donatio* of the Roman Law and its essentials.

2. As distinguished from the land &c. in which case acceptance is not complete until profits are gathered in.

3. For an exposition of this passage and its context see the Bâlambhaṭṭi Sk. p. 45 ll. 4–6.

where the priority of time between the two is not known. When, however, the priority of time is known, a prior title alone will have force even if it is wanting in (the necessary) qualities.

Or again, it has been laid down[1] that evidence is of three kinds *viz.* writing, witnesses and possession; it may be asked, where all these exist together which of them would prevail and where? So the answer that would naturally suggest itself is this: "Title is superior to possession, excepting where it (*i. e.* possession) has descended down from a line of ancestors. In a title also there would be no force if there is no possession even for a short time." The meaning is this. In the case of the first acquirer, title established by witnesses is even stronger than possession, unless there is a possession which had come down from a (successive) line of ancestors. Such possession moreover, coming down from a (successive) line of ancestors in the case of the fourth generation becomes stronger than a title established by a writing. While in the case of the intermediate generation, a title accompanied by possession even though short is superior to a title without possession. This very thing has been made clear by Nârada[2]: "The origin (of title) in the case of the first (acquirer) is gift, in the case of the intermediate (holders) possession with title, and in the case of possession which is long and continued, (such) *possession is itself the* sole origin." 27 (2).

Viramitrodaya.

Possession without a lawful origin (even though) extending over more than three generations is not evidence of title, but only such as has a lawful origin; so the Author says

Yâjñavalkya, Verse 27.

The possession which is other than that handed down in a line *i. e.* come to from the preceeding lines of ancestors such as the father, and the three ancestors, even greater than that, and different but arising out of it is the *âgamaḥ*, 'origin of title' such as sale, acceptance of a gift &c. by reason of the derivation viz., *âgachchhate*, 'comes' *i. e.* becomes one's own, by which, that. The preposition, *abhi* is used to secure the parts.

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1. *i. e.* in verse 22 above p. 713 as means of evidence.
2. Cf. Kâtyâyana, Verse 322.

Indeed if thus a legal origin of title is necessary to be established, then for establishing one's own proprietory interest, a continuity of possession would be useless. (Anticipating this question) the Author says—In regard to property such as land, &c., even if a little, as compared with possession for three generations, *i.e.*, for a short time even, possession does not exist, there even a legal origin of title has no force, *i.e.*, will not be helpful in establishing the object at issue. Even if the existence of a legal origin of title be proved, by reason of the same not having been proved to have been pursued, for establishing it, it is necessary to establish continuity of possession. This is the meaning.

Although, a legal origin of title has not been pointed[1] separately as a distinct means of evidence, still, it should be noticed that it is included in 'inference', added to by the word *cha* 'and'.

For three generations, *i.e.*, possession enjoyed for three generations even if without (the establishment of) a legal origin, is still sufficient to establish the point at issue. So it will be stated further on. (27).

S'ulapâni.

Yâjñavalkya, Verse 27.

In the case of land &c. a legal origin of title handed down from past generations is stronger than possession. Therefore, possession transmitted through generations is stronger than title. So **Bṛhaspati**:[2] "A witness prevails over inference; a writing prevails over witnesses; undisturbed possession for three generations is stronger than both these". **Vyâsa** mentions possession by three generations: "That which was held in possession by the great-grandfather; and also by his son after him; and after these two, by his father also, the possession of such a one is for three generations". **Bṛhaspati**:[3] "Should even if the father, grandfather, and the great-grand-father of a man be alive, possession of the (possession of the) three during their joint lives together is to be known as possession for one generation".

Title also becomes powerful, when possession even for a short time does not exist. So **Nârada**:[4] "Though a document be in existence, and witneses be living, particularly in regard to immovables, that which has not been held in possession is not permanent." (27).

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1. *i. e.* in Verse 22 above.
2. Ch. IX. 32.
3. Ch. IX. 23-24.
4. Ch. I. 77.

By the text[1] "*Paṣṣyataḥ abruvataḥ* etc." [while (he) sees does not object etc.], it has been laid down that after twenty years in the case of land and ten years in the case of money there would not be a recovery of profits. Thinking that in such a case it may be supposed that as with the recovery of profits so there would not even be the recovery of fine, the Author proceeds to expound the law as to fines by considering the generation (of the occupiers) as well as the means of proof. So the Author says :—

Yâjñavalkya, Verse 28.

He who made the acquisition of a title if sued should prove it, (but) not his son, nor his (i. e. son's) son ; (for) in their case possession has more force.

Mitâkṣharâ :—**Yena,** *by him, i. e.* the person by whom of land etc. the acquisition of *a title,* **Âgamaḥ,** *was made,* **kṛtaḥ,** that man if *challenged in a suit,* **abhiyuktaḥ,** as to whence he acquired the land etc. *should prove,* **uddharet,** *i.e.* establish, *it,* **tam,** *i. e.* the title, as *e. g.* through gift etc., by means of a writing and other means of proof. By this also it amounts to be laid down that the first acquirer is liable to be fined if he does not make out his title.

His son, **tatsutaḥ,** *i. e.* the second, if sued need not prove title ; but uninterrupted possession without protest and with notice. By this it has also been proved that there would be no fine to the second if he does not prove title, but if he does not prove a particular manner of possession. *His son,* **tatsutaḥ,** *i. e.* the third, need not prove either title or any particular manner of possession, but simply possession handed down in a (successive) line (of ancestors). By this also it has been established that there would be fine for the third if he did not prove possession handed down in a line, and not if he does not prove title or a particular manner of possession. *In their case,* **tatra,** *i. e.* in the case of the second and the third, *possession,* **bhuktiḥ,** *alone has more force,* **garîyasî.**

There also, the distinction to be noticed is, that in the case of the second it has force, while in the case of the third, there is greater force. The loss of the thing takes place equally in all the three, that

1. Verse II. 24 p. 41, ll. 36-37 of Eng. Tr. p. above.

is, the purport is that if title is not proved the distinction has a reference to the fine only. **Hârita** also has said—"He, by whom an acquisition has been made, is liable to punishment if he does not prove it, and not his son or his (*i. e.* son's) son ; but even these lose the thing possessed." 28.

Viramitrodaya

At times, even elsewhere also, mere possession is proof (of title); so the Author says

Yâjñavalkaya, Verse 28.

The person who made the acquisition of title, such as by purchase &c., such a one when challenged in a judicial proceeding, *i.e.*, asked to establish his title, *tam âgamam*, 'such origin of title', *uddharet*, 'he should prove', *i.e.*, establish by evidence.

Tasya, 'of him', *i.e.*, of the one who acquired the title, son, or also the son of the son of him who acquired the title, need not establish the origin of the title acquired by the grand-father.

Tatra, 'in their case', *i.e.*, in the case of his son and the succeeding generations, *bhuktiḥ*, 'possession', *garîyasî*, 'has more force', *i e.*, irrespective of any other, is sufficient to establish the claim.

The word *wâ*, 'or', is used to show indifference ; by that are included the great-grandson, &c. In *Tatra*, 'in that case', the Locative is used as having the force of the Possessive case. By the use of the word *tu*, 'however', is excluded possession ; even in that case also, the enjoyment being necessary to be established. (28).

S'ulapani.

Yâjñavalkya, Verse 28.

One by whom witnesses, documents &c. have been indicated in writing in the case of (disputes regarding) land &c., such a one should expose the falsity of witnesses, documents &c. relied upon by the person complained against passed by another. His son and grandson, however, need not try to prove. In their case, possession itself will expose the falsity. It is not correct to explain *uddharet* 'should prove' as *darśayet* 'should point out.' In that way in the case of the son and the rest, when mere possession being proof of the rule 'that possession for three generations is proof', may not hold. As says **Bṛhaspati**[1]: "The person who has

1. See Ch. IX. 25.

taken possession should establish his possession, as well as the origin of his title, in the Court; his son, possession alone; and in the case of grandsons &c. nothing whatsoever". The meaning is, that by regard to the rule "that pure possession without interruption in the case of grandsons" by grandsons, the origin of title or of possession need not be proved. The origin of title and the possession, however must be pointed out. (28).

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* PAGE 24.

By the (qualifying) text[1] "excepting where it has come down from a line of ancestors" it has been laid down that possession may be (accepted as) evidence when it extends beyond the memory of man and in which case it is independent of the knowledge of title. The Author mentions an exception to this

Yâjñavalkya, Verse 29.

If a person happen to die while a suit was filed against him his (legal) heir should prove it. In such a case possession is no evidence (i. e. of ownership) if it is not proved to be accompanied with title.

Mitâkṣharâ :—When, however, a trespasser etc., **abhiyuktaḥ**, *while a suit had been filed against him,* and before the suit was decided, **paretaḥ**, *happen to die i. e.* happen to depart to the next world, then *his heir*, **tasya rikthī** *e. g.* sons etc., **tam uddharet**, *should prove it i. e.* the title; since *in such a case*, **tatra** *i. e.* in that suit, **bhuktiḥ**, *possession*, without title, even though established by witnesses etc., is no evidence. Because by reason of a suit against the last holder, possession ceased (to have any value as evidence). It has also been said by **Nârada**[2]: "Of the litigant who has died while a suit was filed against him, the son should prove the title, (since) the point (at issue) will not be established by (mere) possession." 29.

Viramitrodaya.

Here, in this connection, the Author mentions an exception

Yâjñavalkya, Verse 29.

Since, in such a place, *âgamena vinâ kṛtâ*, 'held without title', *i.e.*, unaccompanied, *bhuktir na kâraṇam*, 'possession is no evidence', *i.e.*, for establishing the point at issue.

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1. Yâjñavalkya II. 27 (1) see p. 733 above. 2. Ch. I. 93.

Here, moreover, possession is evidence (of ownership) if it has the five characteristics,[1] viz.: "If it is with a legal origin of title, long-continued, without any gap, without protest from another, and in the presence[2] of the defendant." Thus, by the text,[3] 'Title is superior etc.', its being coupled with a legal origin of title, by the text,[4] 'for twenty years, etc.', its long-continuousness and uninterruptedness, also by the text,[5] 'without protest, etc.', its being without a protest from another, and by the text,[6] 'while looking on, etc.', the near presence of the defendant, has been pointed out.

In some places, it has been stated that in the case of possession for three generations, accompaniment by a title is not required (to be established)—there it is doubtful, because without the origin of a legal title, the acceptance of (mere) possession (as sufficient), would be in conflict with the Smṛtis. For, says, Nârada[7]: "He who enjoys without a title for ever so many hundred years, the ruler of the land should inflict on that sinful man, the punishment ordained for a thief", also[8]: "By (establishing) a clear title, possession obtains an evidentiary value. Possession without a title which is not clear does certainly not make for (any) evidence (of ownership)".

Here, by the use of the word *eva*, 'certainly', and also by a re-interation of what was established once, it may be said that in all cases possession is evidence of title only when it is accompanied by a legal origin of title. Not so. The text of Nârada has application only when an absolute absence of a legal origin is positively determined. And thus, possession for three generations or the like, will have evidentiary value even when there is a doubt about the (origin of) title. Intending this very thing, the same[9] writer says: "Even though unlawfully, when possession has been held successively, by the father and the three prior ancestors, that property cannot be taken away from him, because it has descended through three (successive) generations in order." "That which even without a title has been enjoyed before by three generations, that having been handed down for three generations cannot be disturbed."

Vyâsa also:—"That which is absolutely without a litle and as such has been enjoyed by three preceding ancestors, such a thing having

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1. Aparârka assigns this text to Vyâsa, while the Smṛtichandrikâ to Pitâmaha.

2. *i. e.* with notice to him.

3. Yâjñ. II. 27 (1).

4. Yâjñavalkya II. 24—2nd quarter.

5. and 6. „ „ „ 1st quarter.

7. Ch. I. 87.

8. Ch. I. 85.

9. Ch. I. 91.

been handed down in succession for three generations, cannot be disturbed. What was held in possession by the great-grand-father, and by his son after him, and after these two by the father also, the possession of his, is possession for three generations. For twenty years having been enjoyed by the owner without disturbance, such possession of land is as far as one generation, double that is for two generations, and for three generations is treble ; in such a case origin of title is not necessary."

Thus, moreover it has been established that possession for twenty years is evidence only when there is certainty of a legal title, the proof of which it contemplates.

An objection.

Indeed even thus, in the text[1] : commencing with 'while looking on and not protesting' and its theory, and in the text[2]: " Whose possession has been continuous, and has never been interrupted for thirty years, from him, that should not be disturbed." The contradiction between these is apparent there itself. By stating that a thirty years' possession has evidentiary value, in effect the evidentiary value of twenty years' possession is discarded.

The answer.

The answer is: No. The text 'While looking on and not protesting' has application where the possession is without protest, while in the text of Bṛhaspati by the use of the word 'not uncontinuous' possession characterised by quarrel, beating and like other interruptions, even possession with protest also is deemed to have evidentiary value.

And thus as the result of all the texts, and a conflict by regard to (the fact of) a difference of subjects, the capacity for possession for ten years and the like either as creating a title for ownership, or to serve as its evidentiary value, has been removed. Not the first, like acceptance (of a gift) possession not having the force to be regarded as a source indicative of proprietorship ; nor the last, as generally in a possession without a title there is a vitiation.

Oh! indeed ! Then direct a similar view to possession for three generations ! If it be on the strength of an express text, then in such a case, the decision would be by regard to the principles of a fraudulent action. Or if a text laying down the evidentiary value of a possession for three generations is alone the basis for its being accepted as the means of origin of ownership, then it is similar to the one under consideration, and in this way if it be suggested that this possession for six months even, would by a parity of reasoning, be regarded as evidence

1. Yâjñ. II. 24. 2. Bṛhaspati Ch. IX. 7.

of ownership, the answer is, no. For a subject, covered by an express text, there is no scope for a maxim. This is the point. (29).

S'ulâpaṇi.

Yâjñavalkya Verse 29.

If the person complained against be dead without proving his title, then his son and the like should establish the title. So says **Nârada**[1]: "If a litigant dies during a law suit of this sort which has been commenced, and not decided, the point must be established by his son. Possession (of the father) will not be sufficient".

Possession for three generations with a title has evidentiary value. So says **Kâtyâyana**[2]: "Land which has been enjoyed in possession for three generations in due course, in such a case that land will be retained by the fourth even in the absence of a document" The **same Author**[3] explains the expression *yathâ vidhi* 'in due course', thus: "With a legal origin of title, long-continued, without a gap, without interruption by another, and in the presence of the opponent. Thus of five characteristics is possession intended." "After[4] establishing a clear title, possession obtains an evidentiary value. Possession without a title, or with a title which is not clear, does not make for (any) evidence (of ownership)". (29).

It has been established that where a suit remains undecided and a litigant dies, the (proceeding of the) suit does not stop (there). In some cases, however, where a suit is decided or a litigant is living, a suit is re-tried, and in some cases it is not re-tried ; for a determination of the rule (applicable) in these cases, the Author mentions the comparative superiority and inferiority of those who decide disputes

Yâjñavalkya, Verse 30.

In matters of legal proceedings between men, officers appointed by the King, the Pûgas, the S'reṇis, and the Kulas, (each of these) preceding should be considered to be in the superior order of priority (specified here).

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1. Ch. I. 93.
2. Verse 327.
3. See note 1 on p. 744 above. Here S'ulapâṇi assigns this text to Kâtyâyana.
4. Nârada I. 85.

Mitâkshharâ :—Nṛpeṇa, *by the king, i. e.* by the ruler; **adhikṛtâḥ,** *appointed,* for trying and deciding legal proceedings, referred to in the text[1]: "A king should select as his Councillors, &c." and **pugâḥ,** *corporations, i. e.* of men (though) belonging to different castes and (following) different occupations, but residents of the same place *e. g.* of a city, town &c.; **s'reṇayaḥ,** *trade-guilds* of persons earning their livelihood by the same (kind of) labour whether belonging to different castes or to the same caste *e. g.* of the dealers in the cattle, beetle, the weaver and the currier; **kulâni,** groups of caste-people, relatives, and cognates.

Of these four *i. e.* officers appointed by the King &c. **pûrvam pûrvam,** *in the order of priority,* whoever has been mentioned first, those in order, **jñeyam,** *should be considered i. e.* regarded, as **balavat,** *more powerful i. e.* superior, **nṛṇâm,** *between men, i. e.* men engaged in litigation; **vyawahârawidhau,** *in the matter of legal proceedings, i. e.* in the matter of trying and deciding a dispute.

This is the meaning intended: In the case of a suit decided by officers appointed by the king, there would be no fresh hearing before *Pûgas* &c. on the ground of a wrong (exercise of) judgment, even if the defeated party is dissatisfied. Similarly, even in the (case of the) suit decided by *Pûga* there would be no appeal to *S'reṇis* &c. So on a decision by the *S'reṇi* there can be no resort to the *Kula.* But from the decision of the *Kula* one may go to the *S'reṇi* &c.; from the decision of the S'*reṇi* to the *Pûga,* and from the judgment of the *Pûga* to the officers appointed by the King.

Nârada[2], however, has said that there would be an appeal to the king even from a decision of the officers appointed by the king "*Kulâs, Sreṇis, Pûgâs,*[3] an officer appointed (by the king), and the king (himself) are invested with the power of deciding law suits; and of these, each succeeding one is superior to the one preceding him in order."

In such a case, moreover, where a party appeals to the king, if in a trial with a wager before the king and his councillors together

1. See Yâjñ. II. 2. p. 2. 2. Introduction Verse 7.

3. Ganas (V. L.)

with the officers before whom it was first tried, the party complaining of impartiality is defeated, he should be fined. But if he succeeds, then the officers appointed as judges should be fined. (30.)

S'ulapâṇi

Yâjñavalkya, Verse 30.

Pûgaḥ, 'An association formed *e.g.* of grocers and the like is called *Pûga*', thus stated by **Kâtyâyana**[1]; and the collection of grocers and others of different castes, is *Śreṇiḥ*; an assemblage of those of the same caste is a *Kula*, other than that. Of these when authorised by the king, in the matter of a decision of a dispute, the one prior is more authoritative than the one succeeding. This in regard to a rehearing has greater force. *e. g.* what has been decided by the *Pûga*, must not be interfered with by a *Śreṇi*. This is the meaning.

By these should be decided excepting cases involving heinous offences and the like. So says **Bṛhaspati**[2]: "Those groups such as the *Kula*, *Śreṇi*, *Gaṇas* and the like as have been duly appointed by the king, should decide cases of disputants excepting those relating to the adjudication of heinous offences." (30).

It has been said that a suit decided by an inferior tribunal may be retried, and that decided by the superior is not reopened. Now the Author mentions cases where even a suit decided by the superior tribunal is reopened

Yâjñavalkya, Verse 31.

Transactions brought about by force or fraud should be upset, so also those entered into by women, at night, in the interior of the house, outside, or with the enemies.

Mitâkṣharā :—**Balêna**, *by force*, *i. e.* under compulsion; **upâdhinâ**, *by fraud*, such as threats etc.; **vinirvṛttân**, *brought about*, *i. e.* produced; **vyawahârânniwartayet**, *transactions should be upset.* Similarly **stribhiṛ**, *by women*; **naktam**, *at night*, even if by others than women; **antarâgâre**, *in the interior apartment of the house*; **bahir**, *outside the village*; **s'atrubhischa kṛtân**, *as*

* Page 25.

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1. Verse 679. 2. Ch. XI. 28.

also those transactions entered into with the enemies, should be reopened. This is the construction. (31.)

S'ulapâni.

Yâjñavalkya, Verse 31.

By force, or by fraud brought about, as also that made by women, at night, or in the inner apartment of a house, or those entered into outside the town, the transactions such as of sale, gift, and the like, as also entered into with the enemy, one should avoid (31).

A transaction entered into by the intoxicated, the insane etc., will not be upheld

Yâjñavalkya, Verse 32.

A transaction[1] entered into by a person (who is) intoxicated, or insane, or afflicted with disease, by one in distress, or by a minor, or one frightened, or the like, will not be upheld ; as also that entered into by one who has no connection.

Mitâksharâ :—Moreover, **mattaḥ**, *intoxicated*, by some intoxicant, **unmattaḥ**[2], *insane*, affected by insanity caused by either of the five causes *viz.* (disorder, arising) from *Vâta*[3] (wind), *Pitta* (bile), *S'leṣhmâ* (phlegmatic humor), or a combination of these, or by an evil demon, or by (the influence of) a plant. **Ârtaḥ**, *afflicated*, with a disease etc.; **vyasanam**, *distress*, is the pain caused by the separation from the loved and acquisition of the undesired ; and a **vyasanî**, *distressed*, is one who is affected by it; **bâlaḥ**, *a minor*, incapacitated for (entering into) any transaction ; **bhîtaḥ**,

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1. A व्यवहार may better be rendered as "a transaction" in this context. The general conditions in this and the last verse apply as well to suits as to other transactions.

2. An Unmâda has been thus defind :—"मदयन्त्युद्धता दोषा यस्मादुन्मादमाश्रिताः । मानसोऽयमतो व्याधिरुन्माद इति कीर्तितः ।" *Suśruta.*

3. Recognised by the Aryan Medical System as the three principal humors of the human body, every disorder of the body or of the mind being traceable to a disorder of one or more of these or of all the three combined, in which case it is called a *Sannipâtaḥ* (सन्निपातः).

frightened, by the enemies. By the use of the term **A'di**, *or the like*, is also indicated one who is inimical to the city[1] or to the nation. As **Manu**[2] has said :—" Men conversant with law and religion have laid down that a suit which is (instituted by one who is) opposed to the city or the nation, or a suit decided by the king is unacceptable as a plaint."

By these **yojitaḥ**, *entered into*, brought about ; **vyawahâro na siddhyati**, *a transaction will not be upheld.* Also a transaction entered into by one having no connection, or by one who was not appointed as an agent, will not succeed. This is the construction.

As to what, however, has been said *viz.*—" A suit will not lie between a preceptor and a pupil, a father and a son, between the husband and the wife, or between a master and a servant, even if they are at conflict with each other " even that is not to be taken as amounting to (lay down) an absolute exclusion of a suit between a preceptor and a pupil and such others, as a suit has been ordained (to lie) even between them. For **Gautama**[3] has said: " A pupil shall not be punished corporally. If (this course is) impossible, (he may be corrected) either with a thin rope or a thin cane. If (the preceptor) strikes (the pupil) with any other (instrument) he shall be punished by the king." As **Manu**[4] also has said " In no case should the punishment be upon the head." When (however) the preceptor under the excitement of anger, while punishing, strikes on the head and if the pupil (who was) thus injured in a way, which is a violation of the (laws of) Smṛti and usage, complains to the king, then a cause of action (for a trial) does certainly arise &c.

Similarly, under the text[5] " Land which was acquired by the grandfather &c." the ownership of father and son being equal over land &c., if the father destroys by means of sale &c. (the title to) the land &c. which was acquired by the grandfather, and if the son resorts to an officer of justice, then there would certainly arise a suit even between a father and a son. Likewise, under the text[6] "

1. *i. e.* opposed to the municipal, local or general interests.
2. Not found in Manu.
3. Ch. II. 48–50.
4. Ch. VIII. 301.
5. Yâjnña. II. 121.
6. Yâjña. II. 147.

"A husband is not liable to make good the property of his wife, which was involuntarily taken by him in a famine, or for the performance of a (religious) duty, or during illness, or while under restraint" if the husband having spent away the wife's property (even) when there was no famine &c., does not pay back when asked for, even when possessing wealth, then a suit is certainly admissible even between a husband and a wife. So also the legal relations between a slave of maintenance and the master will[1] be mentioned later on, and having regard to the text of Nârada[2] *viz.* "Should any one of these, however, save his master when his life is in peril, he shall be released from slavery and shall take a son's share (of his master's wealth), even in the case of a slave by birth, who would avoid a suit against a master, if the slave is not manumitted and not given a son's share? Therefore the purport of the verse beginning with "Between the preceptor and the pupil" &c. is that as a dispute with a preceptor &c. will bear no good result in this world or the next, so the pupils and others should in the first place be induced away by the king in company with the assessors. If, however, the parties press hard, a suit has to be commenced even (when instituted) by the pupil &c.

Although the text of Nârada[3] says that "Men conversant with law lay down that disputes between one and many, with women, and with servants are inadmissible as a suit;" still having regard to the text[4]: "He who robs the wealth of the villagers or transgresses any established usage &c." and the text[5]. "When one is assaulted by many &c." even a suit between one and many appears to be ordained, when they have a common cause of action. It should be noticed that a suit between one and many simultaneously will not lie when the many have different causes of action.

As for the expression 'with women', *Strinām,* in their case also a suit certainly is allowed *e. g.* with the female of a cowherd, a vintner, and such others inasmuch as these women possess independence. The text is to be explained that a suit between women other than these—*i. e.* women of good family whose husbands

1. Yâjña II. 182. 2. V. 30. 3. II. 12.
4. Yâjña II. 187. 5. Yâjña. II. 221.

are living shall not be admissible on account of their dependence. *With servants*: This text also should be construed to mean that 'on account of the dependence of servants upon the masters', even in a dispute relating to his (servant's) own interests a suit should be allowed only with the master's sanction, and not otherwise. 32

Viramitrodaya.

It has been stated[1] that 'even while yet a suit has remained undecided, a party dies, the suit proceeds'. Now, even when a suit has been decided, and even when the party is living, sometimes the litigation proceeds, and sometimes not, so the Author says

Yâjñavalkya, Verses 30, 31, 32.

Nṛpeṇâdhikṛtâḥ, 'appointed by the king', such as the Councillors; *Pugâḥ*, 'corporations' of men of different castes, such as the grocers &c. vide this text of Kâtyâyana[2]: "The association such as of the grocers and the like is called *Pûga*"; *S'reṇiḥ*, an association of people of various castes but earning their livelihood by the same (kind of) work; *Kulam* groups of caste people, relations, and cognates. Among these, the one prior by regard to each succeeding, *nṛṇâm*, 'of men', *vyawahâravidhau*, 'in the matter of legal proceedings'; *guru*, 'superior', more powerful.

Thus it is established that a transaction examined and decided by the Councillors, even if there be a suspicion of the decision, being faulty shall not be scrutinised by the *Pûgas* and others, while a dispute decided by the *Kula* may be revised by bodies as far as the *S'renis*.[3] Similarly may be understood elsewhere.

By the use of the word *atha*, 'and', all being under the king's province, the superiority of the king above all has been pointed out. By the word *cha*, 'and also' has been added the conclusion that the Chief Judge is higher than the councillors.

So also Kâtyâyana: "The Councillors are superior to the *Kulas*; the Presiding Judge is superior to these; more than all is the king by whom the law has been settled. Of suits of the type of the highest, middling, and the lowest types, decided by tribunals of ascending degrees, the judgments have a (corresponding) superior effect". (30)

Balam, 'force' *i. e.*, superior (force); *upadhiḥ*; 'fraud', such as threats, temptations etc; by these *vinirvṛttân*, 'brought about', *i. e.*

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1. See Yâjñ. II. 29 above. 2. Verse, 679.

3. *i. e.* the Councillors appointed by the king, the *Pugas*, and the *S'reṇis*

produced ; *stribhirnaktam*, 'by women, at night', even by others than women ; *antarâgâre*, 'in the interior apartment of the house', inside the house ; *bahiḥ* 'outside' the village etc. in the forest etc. ; *śatrubhiścha kṛtân*, 'as also those entered into with enemies'; such *vyawahârân*, 'transactions', *nivartayet*, 'One should set aside', *i. e.* should not accept as binding, in other words, should have re-considered.

The compound is to be solved as 'entered into with women, at night, in the interior of the house, outside, or with the enemies'. The sense of the possessive is expressed in connection with the several words differently. That moreover has been already pointed out according to context. By the use of the word *tathâ*, 'so also' are included those opposed to the interests of the town or the nation (31).

Matto, 'intoxicated' such as by some intoxicant etc.; *unmatto*, 'insane', affected with insanity brought about by an evil star; *ârto*, 'afflicted', oppressed by a disease ; *vyasanī*, 'distressed', troubled by sorrow &c. ; *bâlaḥ*, 'a minor', one under sixteen years of age ; *bhīto*, 'frightened', one who has taken to fright ; by the use of the word *A'di*, 'or the like' are included those affected by lust, anger &c. By those, *yojitâḥ*, 'entered into', *i.e.*, made *asambandhena*, 'by one having no connection', *i. e.*, one not having the connection of a brother &c. ; *aniyuktena* 'by one not appointed', *vyawahâro na sidhyati*, 'a transaction will not be upheld', *i. e.*, will not bear fruit. The substance is that the same should be considered again.

By the use of the word *cha*, are included those made by *Dâsâs* and the like. The word *eva*, 'also', is connected with the expression 'will not be upheld' and follows with it. Thereby it comes to be stated that although one made by the *Kula* &c., be at times upheld, one of this character can never be upheld. Here, the word *Vyawahâra* does not mean merely justice, but indicates donation, sale, mortgage and all similar 'transactions.' "A fraudulent[1] mortgage or sale, a fraudulent gift or acceptance, and (any transaction) where he detects fraud, he (the judge) shall declare null and void (166). What is given[2] by force, what is enjoyed by force, and what has been caused to be written by force, and all transactions done by force, are as not made ; so said Manu (169)."

Nârada[3]: "If a boy, or one who possesses no independence, transacts anything, it is declared an invalid transaction by persons acquainted with the law (39). That also which an independent person does while he has lost control over his actions, is declared an invalid

1. Manu Ch. VIII. 166, 169.
2. —See *Śri Sitaram Pandit vs. Sri Harihar Pandit*; 35 Bombay 169.
3. Ch. I. 39-41, 29-30. 26-27, 42.

transaction, on account of his want of indpendence (40). Those who are actuated by love, anger, or affected by illness, fear, or difficulty, and also those who are biased by attachment or hatred, are to be known as having lost control over their actions (41). A transaction entered into by (a slave) is declared as unauthorised, except where there is the master's authority; a slave is never his own master (29). Also a transaction entered into by a son without the father's authority, that also is declared to be invalid; a slave and a son are equal in that respect (30). The transactions of gift, mortgage, or sale of land, house, or a slave made by those who are not independent, do not reach completion, when not ratified. They say that transactions entered into by women are unauthorised when there is no adversity; especially the transaction of gift, mortgage, or sale of a house or land (26). These transactions are only regarded as valid if the husband sanctions them; or the son in the absence of the husband; or the king in the absence of the husband and the son (27). In the family whoever is the eldest or senior, and who has retained his control over the senses, a transaction entered into by him, is regarded as a properly entered transaction, and not done by one not independent (42). For the sake of the family, if one enters into a transaction although himself under control, and whether in his own country or in a foreign country, that transaction, the senior should not disturb." 'Himself under control', such as a slave &c. One not independent will hereafter be described; so enough of prolixity (30, 31, 32).

S'ulapâṇi

Yâjñavalkya, Verse 32.

By liquor or a like intoxicant, 'intoxicated' *mattaḥ*; on account of windiness &c., one who has become 'insane,' *unmattaḥ*; one affected by a disease; one addicted to gambling; one less than sixteen years of age. By the use of the word *âdi*, 'and the like,' are included those entered into by slaves, who are not independent, or by the aged and the like, and by strangers, not related, excepting those authorised by the father. A transaction, such as of a debt and the like, entered into by these, never becomes of force. (32).

* Page 26.

After mentioning suits which are liable to be reversed, the Author indicates the kind of property which may be restored

Yâjñavalkya, Verse 33.

Lost wealth when (subsequently) recovered should be given by the king to the owner; if (however) he (the

claimant) do not identify it by (supplying) marks (of identification) he is liable to an equal (amount of) fine.

Mitâksharâ :—**Pranas'htam,** *lost wealth,* such as gold &c., *what was recovered,* **adhigatam,** by the revenue or police officers &c., and brought over to the king, (that wealth) should be given by the king to the owner, if the owner identify it by (supplying) marks of identification such as the quality, quantity &c. If he do not identify, then he should be fined in an equal amount for setting up an untrue claim. This refutes the presumption of ownership which may arise on account of *adhigama* (finding) being recognised as one of the causes giving rise to ownership.[1]

In this matter moreover, further[2] on the Author lays down the period of time, *viz:* "What was brought in by the Revenue Officers or the Officers of police as property lost and recovered, the owner may take away within a year; thereafter the king shall take it away." **Manu**[3], moreover, has laid down three years as the period: "Property, the owner of which has disappeared, the king shall cause to be kept as a deposit for three years; within the period of three years the owner may claim it; thereafter the king shall take it." There, it shall necessarily be preserved for three years.

If the owner comes within a year, the whole should be returned (to him). Where, however, he returns after more than a year, in that case, after deducting some portion as a preservation charge, the remainder should be made over to the owner. As has been said[4]: "Then the king bearing in mind the law among good men, may take one-sixth part of the property lost and afterwards recovered, or one-tenth, or at least one-twelth." In such a case in the first year the whole should be given. But in the second, after deducting a twelfth portion, in the third, a tenth, and a sixth in the fourth and in the following years, the remainder should be restored (to the owner), and a fourth of the Royal share should be given to the finder.

When, however, the owner does not turn up a fourth of the entire property should be given to the finder and the remainder may

1. See *e. g.* Gautama. X. 39.
2. Yâjña. II. 173.
3. Ch. VIII. 30.
4. Manu. Ch. VIII. 33.

be taken by the king. So says **Gautama**[1] : " If lost property, the owner of which is not known, is recovered it should be announced to the king. The king should cause a proclamation to be made, and preserve it for one year. Afterwards one-fourth (goes) to the finder, (and) the remainder to the king." Here by the use of the word '*a year*', the singular number is not stressed, vide the text[2]: " The king should cause it to be kept as a deposit for three years." And even the text[2]: " Thereafter the king shall take it " amounts only to a permission to dispose (it) of after three years if the owner does not turn up. Where, however, the owner appears after that (period), even if the property is disposed of, the king should deduct his due and pay (to the owner) an equivalent (amount). This is with reference to gold, &c. As regards cows, etc., the Author states (the law) further on (in the text[3]) : " The owner should pay (four) paṇas if the animal has an entire hoof, etc."

Viramitrodaya

It has been stated[4] that 'the king should administer justice'; there, not only suits as described above alone should be investigated, but even where there is no defendant, by regard to the result being reached by means of the examination of witnesses, or regard being had to the investigation resulting in a penalty consequent upon a defeat, a resemblance of a judicial proceeding, in a case of deposit &c. where the right of ownership is under a doubt, and even in the form of the assertion that 'it is mine', and the exhibition of evidence in substantiation of it, in a similar manner ; intending this, the Author mentions rules in regard to treasure-trove and the like by means of four verses.

Yâjñavalkya, Verse 33.

A *nidhi*, or a treasure-trove is wealth buried before and kept permanently. That, moreover, is two-fold, differentiated as deposited by self or by one's father and the like, or as deposited by others. Of these, the first *pranaṣhṭam*, 'lost,' but afterwards *adhigatam*, 'recovered', by the owner or by an officer of the king or any other, *dhanam*, 'wealth,' in the form of the treasure-trove. *dhanine*, ' to the owner' *i. e.*, to the one

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1. X. 36-38 The proper reading is प्रनष्टमस्वामिकं अभिगम्य राज्ञे प्रब्रूयुः । विख्याप्य राज्ञा संवत्सरस्य &c. This is the reading in the original text of Gautama.

2. *i. e.* Manu VIII. 30.

3. Yâjña II. 174,

4. Yâjñ. II. 1, p. 631, l. 13,

declaring that 'this is my wealth', *nṛpeṇa deyam*, 'by the king should be given,' if 'by signs' *lingaiḥ i.e.*, by means of evidence, *taddhanam vibhâvayet* 'that wealth he should establish' *i.e.*, should prove as his own. *Na chet vibhâvayet*, 'if he does not establish'' then a penalty equal to the amount in dispute, he incurs on account of his offence in telling a false-hood of that character.

S'ûlapâṇi.

Yâjñavalkya, Verse 33.

Praṇashṭam, 'lost wealth,' such as gold &c. when found by the king, identified by the owner (to be his) by marks such as the form, the number, and the like, should be given to him. On an incongruity, however, he should be made to pay a fine, equal to the amount. (33).

After laying down the law regarding gold, &c., as to property lost and recovered on the roads or from the toll houses where it lay scattered, now the Author states the law regarding the recovery of gold, &c., which had long been burried in the land, and which last is known as a *Nidhi* (or treasure-trove)

Yâjñavalkya, Verses 34 and 35.

The king having found a treasure-trove should give half to the twice-born. But a learned Brâḥmaṇa finding (a treasure-trove) may keep the whole, as he is the lord of all. (34).

If a treasure-trove is found by any other, the king should give him[1] a sixth part. If (however) the information is not given (by the finder) and he is found out, the finder should be made to pay a fine. (35).

Acquisition of a treasure-trove.

Mitākṣharâ :—The king having found a treasure-trove as aleady defined, half should be given to the Brâḥmaṇas, and the remainder thrown into the treasury. If, however, a Brâḥmaṇa find treasure-trove and he be learned, *i.e.*, accomplished by learning and study, and well-behaved, then he should take the whole; since he is the lord of the whole world.

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1. The translation as given above is in accordance the Mitâksharâ.

If, however, the treasure-trove is found, **itareṇa,** *by any other*, than either the king or a learned Brâḥmaṇa as, *e.g.*, by a Brâḥmaṇa who is not learned, or by a Kṣhatriya or such another, the king should give a sixth of it to the finder and himself take the remainder of the treasure-trove. As says **Vasiṣhṭha,**[1] "A king who finds property the owner of which is not known should take it; he should give a sixth part to the finder." **Gautama**[2] also "Treasure-trove when found becomes the property of the king; not (however) that which is found by a learned Brâḥmaṇa, even a non-Brâḥmaṇa finder who announces (to the king) shall obtain one-sixth, so declare some."

* Page 27.

The past-participle *anivedita* is (used) in the active voice; he who has not given information and who has been found out, *i.e.*, who has been found out as not having given information even to the king. Whoever, having found a treasure-trove did not inform the king and was found out by the king, should be made to pay the entire treasure found, and also a fine according to (his) capacity.

If, however, the owner of the treasure-trove himself appears afterwards and establishes his ownership by specifying the amount of the rupees, etc., then the king should give him the treasure, (after) taking for himself a sixth or a twelfth part. As says **Manu**[3]—"From that man who shall truly say with respect to a treasure-trove, 'This belongs to me', the king may take one-sixth or one-twelfth part." The choice as to the (particular) portion is to be determined by reference to the class (to which the party belongs), the time (which had intervened), etc.

Viramitrodaya.

The Author mentions as to the second

Yañjavalkya, Verses 34, 35.

Râjâ, 'The king,' upon finding a treasure-trove the owner of which is not known, *ardham dwijebhyo dadyât*, 'should give half to the twice-born,' and (the other) half he should consign to the treasury. *Vidwân*, 'learned,' *i. e.* accomplished by learning and study of the Vedas, twice-

1. Ch. III. 13. 2. X. 43-45. 3. Ch. VIII. 35.

born *i.e.* a Brâhmaṇa, moreover, having found a treasure-trove, *aśesham*, 'the whole' *i. e.* the entire treasure, *swayam âdadyât*, ' should himself take.' *Sa*, 'he,' *i. e.* such a Brâhmaṇa, *yataḥ*, 'as', *sarvasya prabhuḥ*, 'is the lord of all' *i. e.* of the world.

That says Manu[1] : "Whatever exists in this world is the property of a Brâhmaṇa ; on account of the excellence of his origin the Bráhmaṇa is, indeed, entitled to it all. (100). The Brâhmaṇa eats his own food ; wears but his own apparel, bestows but his own alms ; other mortals subsist through the benevolence of the Brâhmaṇa (101). " (34).

Itare'ṇa, 'by any other' *i. e.* by not a learned Brâhmaṇa, *nidhau labdhe*, 'if the treasure-trove is found', *râjâ*, 'the king', *shashṭhâṃs'am âharet*, 'a sixth part he should[2] take,' from the treasure-trove.

The past participle in the *aniwedita* is (used) in the active sense. One who has not given information and who has been found as having taken the treasure-trove, should by the king be compelled to pay the treasure and also a fine according to capacity.

By the expression *dâpya eva*, 'he must be made to pay,' it has been indicated that he must not be allowed to take even a small portion of the find. The word *cha*, connects this with the last clause and also is intended to include the twelfth part. So says Manu[3] : " The man who makes truly an assertion 'this belongs to me,' from him, the king may take a sixth part or a twelfth part." The twelfth part has a reference to one endowed with qualifications. In this connection Vishṇu[4] : "A king, upon finding a treasure-trove, should give half to a Brâhmaṇa and the other half he should deposit in the treasury (36). A Brâhmaṇa finding hidden wealth should take it himself (37). A Kshatriya should make over a fourth to the king, one-fourth to the Brâhmaṇa, and should take a half. (38). A Vaiśya should give a fourth part to the king, a half to the Bráhmaṇa, and should take one-fourth for oneself. (39). A Śudra, moreover, should devide the find into twelve parts, and should give five parts each to the king, and, to the Brâhmaṇa, and take two parts. (40). From one

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1. Ch. I. 100, 101.

2. Note the difference between the Mitâksharâ and the Viramitrodaya in the interpretation of the word आहरेत्. According to the Mitâksharâ, after giving one sixth to the finder. The king should take the rest. According to V. M. the king should take one-sixth. Śūlapāni agrees with the Mitâksharâ.

3. Ch. VIII. 36. 4. Ch. III. 36-41.

who has not reported the find and who has been found, the king should take the whole (41)." Thus the text of **Vasiṣhṭha**[1] viz. "If he finds property (the owner of) which is not known, the king should take it up, and should give one-sixth portion to the finder", has a reference to a Śudra, in pursurance of the text of **Viṣhṇu.** (34, 35).

S'ûlapâṇi

Yâjñavalkya, Verse 34.

The king having found an ownerless treasure-trove deposited a long time ago, should give a half to the Bráḥmaṇas. A learned Brâḥmaṇa,[2] however, should take the whole; he need not give a portion to the king. The Authour states the reason: since of all kinds of wealth he is the master, as says **Manu**[3]: "Whatever exists in this world is the property of the Bráḥmaṇa; other mortals subsist through the benevolence of the Brâḥmaṇa." This also applies in the case of a deposit by others. As says **Bhâradwája**: "Upon finding a deposit laid by another, one should take it to the king; every treasure-trove must go to the king, of all except the Bráḥmaṇa." (34).

S'ûlapâṇi

Yâjñavalkya, Verse 35.

When a treasure-trove belonging to himself has been found by a Bráḥmaṇa who is not learned, or by the Kṣhatriya and others, according to **Nârada**: "The king should take a sixth share;" and according to **Manu** and others, a small portion is to be taken according to the qualification of the finder. For a deposit not belonging to oneself, however, after giving a sixth portion to the finder of the deposit, the remainder the king should take. As says **Vaṣishṭha**[1]: "If one happens to find an ownerless deposit, the king shall take it up, after giving a sixth portion to the finder. If a Bráḥmaṇa finds it, and he is one who carries on his own duties, then the king should not take." When ownerless wealth, as well as wealth the owner of which was known, was not reported, but came to be known by the king, then that wealth as well as a fine, the taker of the treasure should be made to pay. So **Nârada**: "Even a Bráḥmaṇa upon finding a treasure, should inform the king; what is given by him, he may enjoy; he would be a thief if he does not inform." (35).

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1. Ch. III. 13. 2. *i. e.* who finds the treasurers. 3. Ch. I. 100.

The Author mentions (the rule) about property taken away by robbers

Yâjñavalkya, Verse 36

The king should pay the wealth taken away by the robbers (and recovered by him from them) to the people of his country; and if he do not pay, he incurs the sin of the robbed as well as of the robbers.

Mitâkṣharâ :—**Chauraiḥ ṛhṭam,** *taken away by the robbers,* and conquered back from them. **Jânapadâya,** *to the inhabitants of his country.* Whosesoever that wealth be, to him should it be given by the king; **hi,** *if, i.e.,* since if, **adadat,** *he do not pay,* **yasya,** *whoseso,* that robbed wealth may be, he (the king) incurs the sin, **tasya,** *of him, i.e.,* of the robber. As says **Manu,**[1] "Property stolen by thieves must be restored by the king to (men of) all classes (*varṇa*); a king who uses such (property) for himself incurs the sin of a thief. If after recovering from the possession of the thieves he enjoys it himself then he incurs the sin of a thief.[2] If, however, he neglects the (recovery of) property stolen by thieves then he incurs the sin[1] of a citizen. If after trying to recover property stolen by the thief, he is not able to recover it, then in that case he should pay as much amount from his treasury. As says **Gautama**[3]: "Having recovered property stolen by thieves, he shall return it to the owner. Or (if the property is not recovered) he should pay (its value) out of his own treasury." And also, **Kṛishṇadwaipâyana** :—"If a king is unable to recover property stolen by thieves, that (amount) should be paid from his own treasury by the king who is (so) unable."

Here ends the chapter on Special rules of Procedure.

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1. Ch. VIII 40.

2. These expressions require an explanation. They supply a good illustration of the terse style (मिताक्षरा) of the Author : In the first expression by चौरस्य किल्बिषमाप्नोति, what is intended to convey to the reader is that he incurs the same responsibility and criminal liability as a thief does. While the expression जानपदस्य किल्बिषमाप्नोति 'incurs the sin of a citizen', means that he incurs the same responsibility which a citizen does by not assisting or neglecting the recovery of robbed property.

3. X. 46-47

Viramitrodaya

In regard to property carried away by thieves, the Author states a special rule

Yâjñavalkya, Verse 36.

What was taken by a thief, or property of that kind, after taking it back from the thief—and when that is not possible, even from his own treasury, *jânapadâya*, 'to the people of his country', *i.e.*, to the inhabitants of his territory, *deyam*, 'should be given'.

By the use of the word *tu*, 'however', are discriminated the making over to others than the people of his country, and a deduction of a portion for himself according to law. *Hi*, 'and if', *i. e.*, since, that property which was taken away by the thief if not given back to him to whom it belonged as owner, the king incurs the sin of the thief—*i.e.*, the sin of a kind which is incurred by theft.

That says **Manu**:[1] "Property stolen by thieves must be restored by the king to (men of) all classes (*varṇâs*) ; a king who uses such (property) for himself incurs the sin of a thief ".

In the **Mahâbhârata** also: "If a king is unable to recover property stolen by thieves, that (amount) should be paid from his own treasury by the king who is (so) unable ". (36).

Here ends the Chapter on **Rules of Procedure** in the commentary on the Smṛti of Yâjñavalkya

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S'ûlapâṇi

Yâjñavalkya, Verse 36.

What was taken away by the robber, should be restored by the king; since, he to whom that wealth belonged, of him he acquires the sin. If he do not recover that property, he should give from his own treasury. As says **Vishṇu** :[2] "What was taken away by a thief, should be recovered and paid in entirety. If not recoverd, from the treasury itself." (36).

Thus ends the Chapter on **Judicial Procedure**

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1. Ch. VIII. 40.
2. Ch. III. 45.

Chapter III.

On Recovery of Debts.

Sevenfold division of the Chapter on recovery of debts.

After expounding the 'Rules of Procedure' in general and particular cases, the Author now expounds the Chapter on 'Recovery of Debts' the first of the eighteen titles of law, beginning with the text:[1] "An eightieth part is the interest", etc., and ending with the text:[2] "The pledge shall be (allowed to be) redeemed after double the principal has been received out of the produce."

This title of "Recovery of Debts" has seven points (for consideration). (1) The *kind of debt* which should be paid, (2) the one which should not be paid, (3) by what person should be paid, *i.e.*, by one holding a particular capacity, (4) at what particular *time* to be paid, (5) and in what way to be paid—in all, five points for the debtor; and for the creditor, two, *viz.*, (6) the mode of advancing a loan as also, (7) the mode of recovering it. This, moreover, has been made clear by Nârada[3]: *viz.* "Which debt must be paid, and which may not be paid, by whom, where, and in what way to be paid, and the rules of advancing and of recovering (loans) are said to make up the (title) 'Recovery of Debts'".

Of these the Author states the rule regarding the advance (of a loan) by the creditor, as it is the first of all other points of inquiry).

Yâjñavalkya, Verse 37.

An eightieth part (of the principal) is the interest (allowed) every month when the debt is (secured) by a pledge. In other cases it may be two, three, four, or five per cent., respectively, according to the order and class (of the debtor).

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1. Verse 37. 2. Verse 65.
3. Ch. I. 1.

Mitâksharā :—**Mâsi mási**, *every month, i.e.*, month by month. **Bandhaka** is that which is deposited as a security, *i.e.*, pledge. That which is (accompanied) by a pledge is called **sabandhaka**, *a transaction with a pledge.* In such a secured transaction, the interest on money advanced would be one-eightieth part (of the principal), according to law. **Anyathâ**, *in other cases, i.e.*, in a transaction without a pledge, **varnánâm**, *of the classes*, **kramena**, *according to the order, i.e.*, of the Brâhmanas and others, **dwi-tri-chatuh-panchakam**, *two, three, four, or five,* per cent is according to law. In the case of a *Brāhmana* debtor two per cent., in that of a *Kshatriya* three, in a *Vais'ya* four, and in a *S'udra* five, and (this) every month. Two, or three, or four, or five (make up the compound word) two-three-four-five. A hundred in which such an interest is given is "a hundred with two-three-four-five." As per the following rules of grammar *viz.* "The[1] affixes, mentioned above[2], have also the sense of an interest, or a rent, or a profit, or a tax, or a bribe given thereby or in that,"[3] "The affix *Kan* (कन्) comes[4] after a numeral when it does not end with ति or शत्"[5] and the rule to be observed here is the one stated in the Grammatical *Sûtra* I. 1–72 *viz,* "An injunction[6] which is made with regard to a particular attribute, applies to words having that attribute at the end as well as to that attribute itself."[7]

* Page 28.

In a transaction with a pledge an eighteenth part is the interest.

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1. Pâṇini 5-1-47.
2. *i. e.* Pânini V. 1-1-46.
3. Pâṇini V. 1. 22.
4. *e. g.* in पंचकम् the कम् termination.
5. The word आर्हात् (see V. I. 63) is to be read into the *Sûtra*, so that the whole *Sûtra* would read by adding, to the portion given above, the following *viz* :—"The sense of the affix being that taught hereafter upto V. 1. 63."
6. This *i. e.* the तदन्तविधि: (Pânini I. I. 72) is a rule of interpretation. When a rule is made with regard to a particular attribute or letter, it also means words having those attributes or letters at their end. Thus under the rule अचो यत् (III. I 97.)—"The affix यत् comes after a root that ends in a vowel" roots ending in vowels as well as roots consisting of a single vowel are included.
7. For a clear understanding of the bearing of these rules upon the text, mark the following observations: The compound word द्वित्रिचतुःपञ्चन्

"Interest upon interest is (called) compound interest; it is (called) *Kâlikâ* when it is (payable) per month; it is *Kârîtâ* when it is fixed according to the wish (of the parties); it is *Kâyikâ* when it is in the form of bodily labour" (the stipulation that) 'the interest in this will be taken every month' is (an instance of) a *Kâlikâ*. This very (species of) interest becomes *Kâyikâ* when it is receivable per day and the period is divided by the calculation of days. Moreover, **Nārada**[1] after stating that "In the *Sâstras* interest is declared fourfold viz. *Kâyikâ*, *Kālikà* (periodical interest), another called *Kārikâ* (stipulated interest), as also the compound interest (*chakra vriddhiḥ*)" has said :—"Interest[2] at the rate of one *Paṇa* or quarter of a *Paṇa* payable constantly[3] and without detriment to the physical health is denoted *Kâyikâ* interest. That which runs by the month is termed *Kālikâ* (periodical) interest That interest is *Kâritá* (stipulated) interest which has been promised by the debtor himself. Interest upon interest is called *Chakravṛddiḥ* (compound interest)."

S'ûlapâṇi

The Author states the rules of interest according to law

Yâjñavalkya, Verse 37.

Upon a security being taken when a hundred *paṇas* are advanced as a loan, an eightieth part *i. e.* one and a quarter *paṇa* every month

has been explained and solved as द्वौ वा त्रयो वा &c. (Sk. page 28 lines 4–5). For this the authority is तद्स्मिन् etc. (V. I. 47.) under which rule the affix is added to a word in the first case (तद्) in construction. The sense of the affix is that of a locative (अस्मिन्). Then the कन् ending in द्वित्रिचतुःपञ्चकं is explained by the rule संख्यायाः &c. (V. I. 22.). And lastly by the तदन्तविधिः the application of the first rule is extended to all the members of the compound, and thus is brought out the meaning of this compound word as explained in line 6 on page 28.

1. Ch. I. 102–104.

2. स्वस्वपणपादद्विका क्रमात् is the reading in Dr. Jolly's edition.

3. शश्वत्—(S'as'vat—) has the force of constant repetition. Here it may even be rendered as "every day" (see line 9.) कायाविरोधिनी—(Kâyâvirodhinî) The translation adopted here is in accordance with the gloss of Bâlambhaṭṭi (see Bâlam. Sk. p. 54 l. 14--15) Bṛhaspati & Vyâsa (see Sacred Books of the East &c. XXXIII p. 67 note).

Dr. Jolly, however, translates it as—"Without diminishing the principal", and the translation appears to be based on the following gloss by Asahâya, "अथ कायोच्यते। ......द्रव्यपिण्डो द्रव्यकायः तस्याविरोधिनी मूलद्रव्यकायस्याविनाशिनी।"

becomes the interest. *Anyathá*, 'otherwise' when the money is advanced without security, two, three, and four *paṇas* shall be the interest payable by the Bráhmaṇa and others in the respective order.

Vyâsa states a special rule: "In the case of a loan with security monthly interest is declared to be the eightieth part; a sixtieth part when there is a surety; and two per[1] hundred, on a loan without any security."

Bṛhaspati[2] mentions the kinds of interest: "The *Káyiká*, (by bodily labour), the *Káliká*, (periodical interest), and next, the wheel interest—*Chakra vṛddhi*—(compound interest), the *Káritâ* (or stipulated interest), the hair interest the—*S'ikhâ*—and the interest by enjoyment *Bhoga*." *Káyiká* 'by bodily labour', *e.g.* by milking and driving cattle, and such other labour; *Káliká*, 'periodical' *e. g.* every month. Interest upon interest is wheel or compound interest; that which was stipulated by the debtor himself is *Káritá*; the hair-interest is that which is taken every day; *Bhoga*, 'by engoyment' such as the rent of a house, profit, or the fruit of crops &c. **Bṛhaspati**[3]: "Hair interest, bodily interest, and interest by enjoyment shall be taken by the creditor so long as the principal remains unpaid." (37).

The Author mentions other varieties of interest by reference to particular (classes of) debtors

Yâjñavalkya, Verse 38 (1.)

Persons (usually) travelling through forests should pay ten per cent, and those who travel by sea twenty per cent.

Mitâkṣharâ :—*Kāntāra* means a forest; those who go there, are **kântâragáḥ**, *persons travelling through forests.* Those who borrow money by interest and enter dense forests which involves[4] danger to life and property should pay ten per cent and those, *who go to the sea,* **samudragâḥ**, twenty per cent., also per month.

The meaning is this: The creditor should take ten per cent from those who go to the sea, as there is a danger of the loss of the principal also.

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1. *i. e.* fiftieth part. 2. Ch. XI. 5, 6, 7. 3. Ch. XI. 11.

1. Lit. which creates an apprehension about the destruction of life and property.

Now the Author describes stipulated (Kâritâ) interest

Yâjñavalkya, Verse 38 (2)

Or all should pay what they had agreed to among all classes.

Mitâkṣharâ :—**Sarve vâ,** *or all,* Brâhmaṇas and other debtors whether secured or unsecured, **swakṛtâm,** *what they had agreed to i. e.,* promised by them, **vṛddhim, sarvāsu jâtiṣhu dadyuḥ,** *interest among all classes, should pay.* Sometimes interest is payable even when not stipulated for. As says **Nârada**[1]: "No interest shall ever be charged on friendly loans, unless there is an agreement to that effect. Even if there be no agreement, interest accrues on such loans after the lapse of half a year."

For one, however, who goes to another country after taking a loan for use, **Kâtyáyana**[2] has laid down a rule thus :—" If one after obtaining a loan for use without returning it goes to foreign lands, that loan of his will be charged with interest after the lapse of a year." For one, moreover, who after obtaining a loan for use and without returning it, even when he was asked, goes to a foreign region, the same **Sage**[3] has laid down the rule *viz.* "If, one goes out to a foreign region without returning a loan which he had obtained, and which was demanded back, that loan becomes chargeable with interest after the lapse of three months."

He also, who while remaining in one's own country, does not return a loan for use when asked for, should be made to pay interest by the king from the date of the demand. As has been said[4] " He, however, who while remaining in one's own land, does not return a loan for use when asked for, should be made to pay interest from that time, even though it was not stipulated and he be unwilling. "

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1. Ch. I. 108.
2. Verse, 502.
3. Verse, 503.
4. By Kâtyâyana, Verse 504.

Nârada[1] has laid down an exception to the unstipulated interest, *viz*: " The price of a commodity, wages[2], a deposit, a fine which had been fixed, a gift without consideration, a gambling' debt, none of these bear interest unless specially provided for." **Avivakṣhitâḥ**, unless specially provided for, *i.e.* unless stipulated for.

S'ûlapâṇi.

Yâjñavalkya, Verse 38.

By a mountainous road or by the sea when one goes out for trade, these when there is no security, should pay ten *paṇas* and twenty *paṇas* respectively. On account of the contingency of the loss of the principal itself is the payment of larger interest.

The Author mentions another alternative to the rule stated in the text[3]: "In the order of the Varṇas, two, three &c." *dadyurweti*, 'or should pay &c.'

Yâjñavalkya, Verse 38A.

Interest upon interest is compound interest; interest payable every month is periodical interest (*Kálìká*). When stipulated by himself, it is stipulated interest (*Kárìká*). The (*Káyiká*) is by bodily labour.

This is explained by the statement itself. In some books this verse is not stated.

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* Page 29.

Now the Author mentions special kinds of interest by reference to perticular things. The interest on the females of beasts is their progeny itself.

Yâjñavalkya, Verse 39 (first quarter.)

In the case of female beasts the interest is their progeny itself.

Mitâkṣharâ :—Of the females of beasts, **santatireva**, *progeny itself*, is the interest. Such a transaction would be possible in the case of one who is unable to maintain the female beasts and who wishes them to be well-fed and to bear progeny. The creditor will have the milk and labour.

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1. Introd. II. 36.

2. भृति, is a better and correct reading. The reading in the print *viz.* धृति is not correct.

3. Yâjñavalkya II. 37.

When something is given as a loan and the loan has remained over for a long time even without recovering any interest, what is the maximum limit for the accumulation of interest in several kinds of properties? (Anticipating this question) the Author proceeds:—

Yâjñavalkya, Verse 39 (second quarter.)

The utmost limit for (the accumulation of) interest is eight-fold in the case of a fluid, and fourfold, threefold, and twofold in the case of cloth, grain and gold respectively (of the principal loan advanced).

Accummulation in the case of fluids etc.

Mitâksharâ :—**Rasasya**, *of a fluid*, *i.e.*, in the case of oil, ghee, etc., upon which no interest has been received, and the loan has remained standing for a long time, the interest as agreed to by the parties would be accummulating—such accummulation would be **ashṭaguṇâ**, *eightfold*, **parâ**, *utmost limit*, *i.e.*, cannot accummulate beyond that. Similarly of *cloth, grain, and gold*, **wastradhânya-hiraṇyânâm**, would respectively be fourfold, threefold, and twofold the utmost accummulation.

Vasishṭha,[1] however, has mentioned a threefold increase in the case of fluids—"Gold (taking) double (its value on repayment and) grain trebling (the original price). (The case of) fluids[2] has been explained by (the rule regarding) grain, as well as (the case of) flowers, roots and fruit. In the case of these three things which are sold by weight the increase will be eightfold."

Manu[3] on the other hand, in the case of grain and also flowers, roots and fruits has mentioned a fivefold increase. "On grain, fruit, wool or hair (and) beasts of burden it does not increase more than five times (the original quantity). **S'adaḥ**, *grain*, the produce of the field, such as flowers, roots, fruits, etc.; **lavah**, *wool or hair*, the wool of a goat; the hair of the *Chamari* Cow, etc; **wâhyah**, *beast of burden*, the ox, horse, etc., *i.e.*, the accummulation of interest in the case of grain, fruit, wool, or hair and beasts of

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1. Ch. II. 44–47.
2. Dr. Buhler translates रसाः (*Rasâḥ*) as flourishing substances.
3. Ch. VIII. 151.

burden does not extend beyond a fivefold (of the principal). There too, the rule should be applied after considering the capacity of the debtor as well as the state of things at the time, such as famine, etc.

This[1] (rule) moreover is to be understood as applicable in the case of one transaction and one payment. If there are separate transactions with different persons, or even if the person is the same but there are different transactions on more than one occasion, gold, etc., would indeed increase as before, even beyond the twofold and and other limits. And even in a single transaction, when the interest is recovered daily, monthly, or every year, and thus it is not[2] possible that the amount payable by the debtor might become twofold, the amount as made up of the interest recovered before, does certainly increase beyond (the) twofold (limit). As says **Manu**[3] "In money transactions interest paid at one time (not by instalments) shall never exceed the double (of the principal)." "Recovered[4] at one time" is also another reading. *Kusîda* is money utilised for accumulation. Increase of that is *Kusîda-Vṛddhiḥ*; (such an increase) does not exceed *i. e.* does not rise beyond the double, if paid at one time, *i. e.* lent at one time. It exceeds beyond the double when the dealings are with different persons and give rise to separate transactions.

In the case where the reading is, "recovered[4] once", it should be explained to mean that the interest would exceed the double when recovered in instalments from the debtor every day, every month or every year. Moreover it has even been said by **Gautama**[5].—"If in a transaction the loan remains outstanding for a long time, the principal may be doubled." (Here) by the use of the singular number in "a transaction" (*prayogasya*) an increase beyond the double appears to be intended in the case where the transactions are different. By the use of the expression "outstanding for a long time" (*chirasthāne*) an increase beyond the double has been indicated in the case where the interest has been recovered in small quantities[6]. (39)

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1. See *Dugdusa* vs. *Ramchandra* 20 Bom. 611-613.

2. Read द्वैगुण्यासंभवात् for द्वैगुण्यसंभवात् l. 20 page 29 see Bâlambhaṭṭi Sk. P. 57. L. 1.

3. Ch. VIII. 15.

4. सकृदाहृता.

5. Ch. XII. 31.

6. In other words it does forlid capitalisation of interest see *Sukhlal* vs. *Bapu* 24 Bom. 305.

Viramitrodaya

Now, of the Chapters on *Vyawahâra* to be expounded, following Manu and others such as in the text "of these, the first, the Recovery of Debts", first in regard to the recovery of Debts, technically dealt with by Nârada[1] thus: "A debt which must be paid, and that which may not be paid, by whom, where, and in what way to be paid, and the rules as to the advance and the recovery of loans, are said to make up the (title) 'Recovery of Debts, (1) (and) It is called *kusida*[2]; because by it is their living (secured) by the money-lenders. (98)" The Author points out the rules of adjustment by the end of the Chapter. There, first the Author States the (rules as to) interest

Yâjñavalkya, Verses 37, 38, 39.

Sabandhake ṛṇe, 'in a debt by a pledge', the amount invested such as gold, &c., will be liable for two, three, four and five per hundred, respectively in the order (of the classes). Therefore the result is that by a Brâhmaṇa debtor who has taken a loan of a hundred of gold, &c., with a pledge, should be paid every month two of gold, &c.; by a Kshatriya, three of gold, &c., by a Vais'ya, four of gold, &c., and by a Śûdra, five of gold as interest to the creditor. Similarly also, by a parity of reasoning, it should be understood that in a debt with a pledge, where an eighteeth part is the interest, for a hundred of gold and the like, less by two mâṣhas, interest should be at two (per hudred) and onwards.

"Even[3] when there is no pledge, but there is a surety, when it is without transfer, two per cent, per month has been stated". *Sâṣhṭabhâgah*, 'together with its eighth part; of the eighth part, of the eightieth part'; together with that, the eightieth part. Here also in the case of a Kshatriya debtor and the like a larger rate is to be understood, by a parity of reasoning.

Kântâragâh, 'travelling through forests' for a larger profit; debtors who are in the habit of trafficking through forests and the like places

1. Ch. I. 1.

2. Ch. I. 98. Lending money at interest. Bṛhaspati (XI. 2) derives this word thus: कुत्सितात्सीदतश्चैव निर्विशंकैः प्रगृह्यते । चतुर्गुणं वाऽष्टगुणं कुसीदाख्यमतः स्मृतम् ॥ which however is characterised by Dr. Jolly as fanciful. The rule of the Mahomedan law, however, laying a ban against interest is expressive of the same sentiment.

3. For this text, no Author is quoted; nor is the text quoted in full. From the comments of *Mitramiśra*, the word साहिक appears to be in the omitted portion. This text has a resemblance with the text of *Vyâsa* which runs thus: सबंधे भाग आशीतः षाष्ठो भागः सलग्नके । निराधाने द्विकशतं न्यासलाभ उदाहृतः ॥ (see Vyawahâra Mayûkha p. 75 l. 3).

shall pay *s'atam daśakam*, 'ten per cent.', *i.e.*, hundred plus ten. Those of the sea, however, with the object of making big gains being in the habit of journeying over the seas, twenty per cent., *i.e.*, twenty plus one hundred, should pay every month. Thus the conclusion is that for a hundred of gold, those resorting to the forests should pay ten of gold, and the seamen, twenty of gold.

Where, however, a higher or a lower rate of interest than what is stated above has been agreed to between the debtor and the creditor, there, that interest, *sarve*, 'all', the Brâhmaṇa and other debtors, *sarvâsu jâtiṣhu*, 'among all classes', as far as the mixed classess of creditors should pay.

Of the hypothecated beasts such as the cow and the like, or women, such as a female slave, &c., progeny itself is the interest for the mortgagor of the cow, &c. Here according to **Ratnâkara** it should be understood that in the case of the mortgagor who is unable to maintain them, the maintenance and the progeny of the cow, &c., and the female slaves, etc., is expected, and of the mortgagee the milk and the service are incidental to the pledge. Others, however, explain that in the case of the cow, the female slave, etc., deposited as a pledge, the owners of the cow, etc., the debtors should pay the interest, and when that is not possible the progeny itself is (to be regarded as) the interest.

Now the Author states the highest rates of interest: Of a liquid, such as clarified butter, etc., when pledged as for a debt, when remaining over for a long time, the interest shall increase upto eight times. By the word *parâ*, 'highest', is indicated that in the case of an increase in the[1] fields, etc., even when it is possible to measure it, it is excluded. Similarly, onwards, of the cloth fourfold, of the grain three-times, and of gold two times is the highest increase.

Here, in connection with the portion relating to increase, Bṛhaspati[2] says: "Interest has been declared to be of four sorts; by others it is stated to be of five-kinds; and by others still, it has been declared to be of six kinds. Learn these by their characteristics: *Kâyikâ* (bodily interest); and the *Kâlikâ* (periodical interest); similarly also *Chakravṛddhiḥ* (compound interest) is another; then the *Kâritâ* (stipulated interest), *S'ikhâvṛddhiḥ* 'hair interest', and similarly also the *Bhogalâbha*, interest by enjoyment. Of these, the characteristics and

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1. *i. e.* although the object pledged, may actually increase more than eight-fold, and although it is possible to assess such increase, any higher amount is excluded by this rule.

2. Ch. XI. 4, 5.

other details, out of fear for prolixity, are not being expouded here, but should be followed in other Smṛtis[1].

Here interest at the eightieth part and the like rate has been stated to be legal interest, since Manu[2] has stated : " By taking two or three per cent, one does not become a sinner[3] for gain." By *swakṛtâm*, 'what was agreed to by himself', there will not be a higher interest than what was stipulated for. That also is legal. More, however, would be against the law.

Hârita also, " For twenty-five *purâṇas*,[4] the interest for a month is eight *paṇas*[5] ; thus it holds on for two months or four months until it reaches the double, where it stands; this is legal interest ; by this, one does not swerve from the law," 'reaches the double', *i.e.*, becomes double; 'where it stands', *i.e.*, does not increase more than that. The legality is in regard to the aforestated interest always for Vais'yas. The word *âdi* indicates that it holds in the case of others also.

Compound interest and the rest are certainly illegal. So says Bṛhaspati[6]: " The use (of the pledge) after twice (the principal has been realised), and the compound interest also which is exacted, and also the original principal together with interest, that is usury, and is reprehensible."

In regard to the highest interest, Manu[7] : " In many transactions, interest paid at one time, shall never exceed the double (of the principal); on grain, fruit, wool or hair (and) beasts of burden it must not exceed five times (the original principal)." 'Fruit', *i.e.*, the crop. 'Wool or hair', what may be cut, sheared, such as hair, other than those of the sheep. " For gems, pearls and coral, for gold and silver, for the products of fruit, or of an insect, or for wool, the interest stops when it doubles the debt ", vide the text of Kâtyâyana[8]: " *Kaiṭam*, 'of insect', *i.e.*, produced from an insect.

Gautama[9] : "Interest on products of animals, hair, on products of a field, and on beasts of burden, (shall) not (be) more than five times

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1. Note *e. g.* the following from Bṛhaspati XI. 6, 7, 8.
कायिका कर्मसंयुक्ता मासग्राह्या तु कालिका । वृद्धेर्वृद्धिश्चक्रवृद्धिः कारिता ऋणिना कृता ॥
प्रत्यहं गृह्यते या तु शिखावृद्धिस्तु सा स्मृता । गृहात्तोष: शदः क्षेत्राद्भोगकाम: प्रकीर्तित: ॥
शिखेव वर्धते नित्यं शिरश्छेदान्निवर्तते । मूले दत्ते तथैवैषा शिखावृद्धिस्तु सा स्मृता ॥
2. Ch. VIII. 143.
3. Does not expose himself to the charge of usury.
4. & 5. Both are coins, severally valued at 80 cowries and otherwise.
6. Ch. XI. 12.
7. Ch. VIII. 151.
8. Verse, 510.
9. Ch. XII. 33.

(the original)." 'Products of animals', other than *ghee*, such as milk, etc.

"For all sorts of oils, and for the different kinds of spirituous liquors, and on clarified butters, the interest has been declared to be octuple, as also for molasses and salt" vide the text of **Kâtyâyana**[1].

Bṛhaspati[2] : "On precious metals, the interest may make (the debt) double; on clothes and baser metals, treble; on grain, quadruple has been declared; so also on vegetable products, beasts of burden, and wool or hair". 'Vegetable products', products of the field, other than corn, such as fruit, etc. **Also**[3] : "It has been stated to be quintuple on pot-herbs; sextuple on seeds and sugar-cane; and on salts, oils and spirituous liquors, the interest has been stated to be octuple; also likewise on raw sugar and honey, if the transaction be of long-standing."

In the case of corn, the mention of a double and various other rates is to be determined by regard to the price (into money). Thus, at the time of the advance, before the appearance of the crop a particular kind of price, if after the appearance of the crop it is reduced a little, then double, in case it is reduced even more than that, treble, further more than that, quadruple, and further on, at the utmost reduction, quintuple, it becomes.

However all this statement about the increase of interest is by weight only, in accordance with the text of **Hârita**: "In course of time, double the quantity of grain increases as if treble." Or, in the order of the *varṇas* are the four kinds of increase to be adjusted. According to the **S'ishṭas**: "If the grain becomes treble, according to the time and prosperity". In the case of beasts of burden, etc., by regard to the difference in the price, time, and the place, the different rates of interest are to be settled. Thus enough of prolixity.

Now the **prohibitions regarding interest**[4]: "The price or value of a commodity, wages, a deposit, a fine, what has been usurped,[5] etc. What has been idly promised, and what has been won at stakes at dice; these do not yield interest, except under a special agreement (to that effect)", 'a commodity', *i.e.*, a saleable commodity; 'wages',

1. Verse, 511.
2. Ch. XI. 13.
3. Ch. XI. 14, 15.
4. Nârada II. 36.
5. आभिहारिकम् other readings are (1) यच्चावरकम्—'what has been abandoned (by one and found by another); Dr. Jolly's edition (2) यश्च प्रकाल्पितः (a fine) which has been ordained (V. Mayūkha).

i.e., salary; 'usurped', *i.e.*, obtained by fraud, deceit, etc.; 'an idle promise', a donation without regard to *dharma*; 'by dice', in the course of gambling what is staked; these, unless specially agreed upon, *i.e.*, where interest has not been determined upon, do not increase.

Kâtyâyana[1]: "On hides, crops, wines, and one's gambling debts, price of commodities, always in all these, and on the bride-price of women, there can never be interest; as also on debts incurred as sureties". 'Incurred as sureties', for a surety made liable for payment on account of suretyship.

Saṃvartaḥ: "No interest can be charged on woman's property, on profits, and on a deposit remaining ambiguous, also for a suretyship, if not specially stipulated". **Vyâsa**: "Suretyship, a pledge which has been fully enjoyed, (and) money not accepted even though tendered, do not carry interest against one who has approached; (as also) a fine, and a bride's price which had been promised". 'Of one who has approached', *i.e.*, of the debtor who is under the control of the creditor—which the Author himself states hereafter by the text[2]: 'When tendered, does not accept, etc.' (37, 38, 39).

S'ûlapâṇi.

Yâjñavalkya, Verse 39.

When a she-goat and the like, or a female-slave and the like, are pledged as security, and no other interest is possible, their progeny itself is the interest. In the case of oil &c., when pledged for interest, the utmost interest is octuple together with the original *i. e.* the additional interest. In the case of clothes &c., in the order of enumeration, quadruple, treble, and double is the utmost interest.

As to the text of **Bṛhaspati**[3]: "On gold, the interest may make double; on clothes and base metals treble; on grain, it is stated to be quadruple, and so also on edible plants, beasts of burden, and wool or hair", that is to be explained, by regard to a long standing loan and a loan of short duration. *S'adaḥ*, 'edible plants' *i.e.* the fruit of trees &c. *Wâhyo*, 'beasts of burden,' such as a bullock and the like. *Lavaḥ*, 'hair,' such as the **Châmara** &c. (39).

Rules regarding loan transactions have been laid down (above). Now follow the rules regarding the recovery of property advanced as a loan

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1. Verse, 508.
2. Yâjñ. II. 44.
3. Ch. XI. 13.

Yâjñavalkya, Verse 40.

One (a creditor) would not be blamed by the king for trying to recover an acknowledged debt; and if the debtor complain to the king while the debt is being recovered from him, he should be fined and made to pay (back) the loan.

Mitâkṣharâ :—Prapannam, *acknowledged i. e.* money admitted by the debtor, or proved by means of witnesses &c; **sâdhayan**, *trying to recover, i. e.* a creditor recovering by *Dharma* and such other means; **nṛpaterna vâchchyaḥ**, *would not be blamed by the king i. e.* will not be prevented.

* Page 30,

The Dharma and other means have been pointed out by **Manu**[1]: "By moral suasion, by a suit at law, by deceit, or by starvation[2], a creditor may recover property lent, and fifthly also by force."

Means of recovering a loan advanced.

By moral suasion, Dharmeṇa, *i. e.* by affectionate words and a straight talk. *By a suit at law* (Vyawahâreṇa) *i.e.* by such means as witnesses, documents &c. *By deceit* (*chhalena*) *e. g.* by taking ornaments &c. under the pretext of some ceremonial celebrations &c. *By starvation* (*acharitena*), by abstaining from meals. By the fifth, viz. by force *i. e.* by imprisonment with iron fetters &c. (*i. e.* to say) money advanced for accumulation (of interest) should be recovered to oneself by these means.

By saying "For trying to recover an acknowledged debt" the Author indicates that he should be prevented by the king, from recovering a debt which has not been acknowledged by the debtor.

1. Ch. VIII. 49.

2. आचरितेन च is another reading. Dr. Buhler translates it as a customary proceeding, which he describes as—killing one's (?) wife, children, and cattle and sitting at the debtor's door, or by the creditor's starving himself to death. This is based on the following text of Bṛahaspati cited by *Kulluka*:— "दारपुत्रपशून्हत्वा कृत्वा द्वारोपवेशनम् । यत्रार्थी दाप्यतेऽर्थं स्वं तदाचरितमुच्यते " ॥ It will be clear that this is the process of sitting Dharaṇa or making the Trâgâ and it is doubtful how far it deserves the exalted name of "A customary procedure." In this view अचरितेन=अभोजनेन (by starvation) is a better and more expressive reading.

This very thing has been made clear by **Kâtyâyana**[1] thus: "A creditor who harasses a debtor who is demanding a trial, shall forfeit his claim and pay an equal fine".

Where, however, a claim has been (made to be) admitted by *Dharma* and other means, and if then while the amount is being demanded or recovered, the debtor goes to the king and complains against the creditor for trying to recover his due, that debtor becomes liable to be punished with a fine according to his capacity; and, moreover, he is made to pay the amount to the creditor. The modes of compulsion by the king have been thus indicated:[2] "The king should make a Bráhmaṇa pay the creditor only by gentle persuasion, others according to the usage of the country. The wicked should be made to pay by compulsion. An heir and a relative also should be made to pay by recourse to deceitful tricks". The text:[3] "If the debtor complain to the king while the debt is being recovered", should also be understood as a counter-illustration of the text: "In a way which is a violation of the (law of) Smṛtis and usage."[4] (40)

Viramitrodaya.

Now the Author describes by four verses the process of recovering debts

Yâjñavalkya, Verse 40.

Prapannam, 'acknowledged', *i.e.*, admitteed by the debtor; *artham*, 'debt'; *sâdhayan*, 'trying to recover'. "By moral suasion, by a suit at law, by artful management, or by starvation, a creditor may recover property; and fifthly also by force" by the methods as thus stated above by Manu,[5] when recovering back, the creditor, *nṛpater na vâchyo bhavet*, 'should not be blamed by the king'; *i.e.*, will not be prevented by the king.

Sâdhyamânaḥ, 'while the recovery is being made', *i.e.*, by the method stated being applied against him, with a view to ward it off. *nṛpam gachchhan*, 'going to the king', the debtor when not

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1. Verse, 589.

2. By Kātyāyana, Verses 587, 588; other readings are, राजानं स्वामिनं... । रिक्थिनं सुहृदं वापि छलेनैव प्रसाधयेत् ॥ ५८७ ॥ वणिजः कर्षकाश्चैव शिल्पिनश्चाब्रवीद्गुरुः । देशाचारेण दाप्याः स्युर्दुष्टान् संपीड्य दापयन् ॥ ५८८ ॥

3. Yājñ. II. 40.

4. Yâjñ. II. 5. (See p. 645, ll. 19–20).

5. Ch. VIII. 50.

incapacitated should be fined and should be compelled to pay the amount to the creditor. By the use of the word *cha*, 'and', is added that even though without making a complaint to the king, he does not pay the amount through turbulance, etc., the debtor should be compelled to pay the amount, and should be punished also. (40).

S'ûlapâṇi.

Yâjña valkya, Verse 40.

While a creditor is trying to realize an admitted claim, if the debtor complains to the king, he should not be charged thus viz. "How do you do this?" When the debtor is being compelled by force, and he complains to the king, then he should be compelled to pay the amount to the creditor, and the penalty should be taken by the king himself. (40).

When several creditors appear simultaneously, against a debtor who is one only, in what order should he be made to pay by the king? (Anticipating this question) the Author says:—

Yâjñavalkya, Verse 41.

A debtor should be made to pay his creditors in the order of the receipt of the loans; after paying off a Brâhmaṇa (creditor), then alone the ruler of men (*should be paid*).

Mitâkṣharâ:—When the creditors are of the same class, the debtor should be made to pay, by the king, the creditors in the same order in which the loans were taken. When, however (the creditors) belong to different classes, the Brâhmaṇa (should be paid) first, and then the rest in order. (41)

Viramitrodaya.

When there are several creditors, in what order should he be made to pay the debt? So the Author says

Yâjñavalkya, Verse 41.

Among creditors of different castes, first having given to the Brâhmaṇa, although incurred after, that of the Kṣhatriya, and thus circumstanced he should be made to pay the debt to a Vaisya. There also, the special point, by a parity of reasoning, is that after paying the Vais'ya, then the debt of the Sûdra should be ordered to be paid. Of a

learned Brâhmaṇa, as also of a king the debt should be paid even without paying any other debt excepting that of a Brâhmaṇa.

That says Kâtyâyana[1]: "But when there are several debts, whatever is incurred first, should be paid first, but that owing to a king should be paid after that owing to a learned Brāhmaṇa (514). Where several loans are incurred on the same day, in such a case one should put the debt on an equality, as far as the acceptance, maintenance, and profit are concerned; otherwise, however, in the order, (513). When a creditor established that a particular commodity was secured with his money, that money should be paid by the debtor to him alone and not otherwise (515)". The king's debt should be paid even before that of the learned Brâhmaṇa, having regard to the order stated in the text[2]. (41).

S'ûlapâṇi.

Yâjñavalkya, Verse 41.

When there are several creditors, the debtor should be ordered to pay the debts in the order of their acceptance. When the Bráhmaṇa and the Kshatriya claim together, the Bráhmaṇa's should be paid (first) although incurred later, and afterwards should be paid those of the Kshatriya and others. (41).

When, however, a creditor is weak and unable to recover an acknowledged claim by Dharma and such other means, and the amount is recovered (for him) by the king, in such a case the Author mentions a fine for the debtor and payment of costs by the creditor

Yâjñavalkya Verse 42.

A debtor should be made to pay by the king to himself ten per cent of the amount recovered; and a creditor who has won his case should be made to pay five per cent.

Mitâksharâ:—**Adhamarṇikaḥ**, *the debtor*, **râjñâ**, *by the king*, **sâdhitât**, of the money *recovered*, from the amount acknowledged; **das'akam s'atam**, *ten per cent*; **dâpyaḥ**, *should be made to pay*. The king should take from the debtor in the shape of a fine, a tenth portion of the amount recovered from the acknowedged amount. This is the import.

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1. Verses, 514, 513, 515.

2. This remark is not intelligible, for the पाठक्रम is quite the reverse. The reading should be श्रोत्रियस्य पश्चात् and not श्रोत्रियात्प्राक्, as it is.

A creditor, however, **prâptârthaḥ**, *who has won his case*, **dâpyaḥ**, *should be made to pay*, **panchakam s'atam**, *five per cent*, in the form of costs. The meaning is that the king should take a twentieth portion of the amount recovered by way of costs. In the case of a realisation where the debt is not acknowledged, the distribution of fine has been indicated in the text:[1] "Where, upon a denial (by the defendant) a claim is proved, etc." (42).

Viramitrodaya.

When even an admitted debt the creditor is unable to recover, and if he recovers through the king, then a twentieth part should be taken by the king from him; while stating this itself, the Author states the amount of the fine for the aforesaid debtor

Yâjñavalkya Verse 42.

Râjñâ, 'by the king', *sâdhitât*, 'of recovered', *i.e.*, made to pay, *daśakam śatam*, 'ten per cent', to himself, the debtor should be compelled to pay. In short, if one hundred gold are recovered, ten gold should be compelled to be paid. The creditor also who has secured his claim should be made to pay to himself by the king five per cent, that is to say, for a hundred of gold, five of gold should be caused to be paid.

By the word *tu*, 'however', is separated the payment first to the creditor when obtained. By the word *api*, 'even', if penalty do not exist as a motive cause, it is suggested that the payment is meant as indicative as a means (of the recovery). At some places, the reading is *hi*. There also the same is the sense. (42)

S'ûlapâṇi

Yâjñavalkya, Verse 42.

If the debtor who in the court having denied the claim by declaring "I do not owe", afterwards admits, he should be compelled to pay to the king at ten per cent from the established claim as a fine. (42).

The rule as to a wealthy debtor has been mentioned. Now the Author mentions a rule in the case when the debtor is poor

Yâjñavalkya, Verse 43.

An insolvent debtor of a lower class should be made to work for his debt; a Brāhmaṇa insolvent, however,

1. Yâjñ. II. 11. (See p. 686. l. 33-34.)

should be made to pay by instalments according to his gains.

About a pauper debtor.

Mitâksharâ :—A Brâhmaṇa creditor and others (belonging to superior classes) should, for a debt, **ṛnārtham**, *i.e., for the discharge of a debt,* cause the debtor of a lower class such as the Kṣhatriya and others who has become **parikshîṇam**, *insolvent, i.e.,* moneyless, to do their usual **karma**, *work, i.e.,* agreeably to (the usage), **kârayet**, *should be made to do,* of their caste and without detriment to (the interest of) their family. A Brâhmaṇa, however, if insolvent, *i.e.,* moneyless, should be made to pay, **s'anaiḥ s'anaiḥ**, *by instalments,* **yathodayam**, *according to his gains, i.e.* according as may be possible.

* Page 31.

Here the reference to a lower class is indicative also of an equal class; and therefore a debtor of an equal class also, if insolvent, should be made to do the work which is proper for him. The mention of a Brâhmaṇa is also indicative of the superior class, and therefore Kṣhatriyas and others though insolvent should be made to pay their Vais'ya and other creditors (of a lower class), by instalments and according to their ability. This very thing has been made clear by **Manu**:[1] "Even by personal labour shall the debtor make good (what he owes) to his creditor, if he be of the same caste, or of a lower one; but a (debtor) of a higher caste shall pay it gradually." The meaning is that the debtor should by his conduct so transform himself into a position that the distinction of a debtor and creditor would become extinct. (43)

Viramitrodaya.

The Author states a rule in regard to a poor debtor

Yâjñavalkya, Verse 43.

Hinajâtim, 'of a lower class', *i. e.* not of a higher caste than that of the creditor, such a debtor *parikṣhiṇam*, 'insolvent,' *i. e.* money-less, with a view to the liquidation of the debt, the creditor should cause *karma*, 'work' as desired by him, such as agriculture,

1. Ch. VIII. 177.

Viramitrodaya.

Now, a debt, what kind should be paid by whom, and by whom also it should not be paid, the Author states that by seven verses

Yâjñavalkya, Verse 45.

Avibhaktaiḥ, 'by the undivided members', such as the brothers, father, ect. *Kutumbasya*, 'of the family' :necessity such as maintenance &c., *arthe'* 'purpose,' for the maintenance (of the family), *yadṛṇam kṛtam*, 'what debt has been incurred', *tat*, 'that' debt, *ṛkthinaḥ*, 'the co-parceners', *i.e.*, the undivided brothers and the like all, *kuṭumbini*, 'on the manager of the family' *i.e.*, the person who incurred the debt for a family purpose such as the father &c., *prete*, 'when dead', or *proṣhite*, 'has gone abroad', *dadyuḥ*, 'should pay'.

By the use of the word *tu*, 'however', is excluded a debt which has been incurred for a special purpose of his own, and which must be paid by him[1] only, and not by others *i. e.*, the co-parceners. (45).

S'ûlapâṇi.

Yâjñavalkya, Verse 45.

Of the members living jointly, such as the uncle, nephew &c. by one if a debt is incurred for a family purpose, when that member has gone abroad or is dead, that debt, these should pay.

Manu[2] says that what was contracted for the joint family, must be paid even by the divided members : "If the person contracting the debt be dead, and the money was appropriated for the purpose of the family, such must be paid by the members themselves even though separated." (45).

The Author states by an example by whom (a debt) should be paid

Yâjñavalkya, Verse 46.

A woman need not pay a debt incurred by her husband or son; nor a father that (incurred) by the son; except when it is (contracted) for family purposes, nor likewise a husband that of the wife.

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1. Thus a mortgage by a manager or even a father for starting a new business does not bind the others. *Benares Bank Ltd.* vs. Hari *Naren* 54. All 564; *Guru Mukh Singh* vs. *Shiv Ram* 17 Lah. 53. *Sabha Chand* vs. *Sambhu* 39 Bom. L. R. 118.

2. Ch. VIII. 167.

A debt that need not be paid.

Mitâksharâ :—A debt **Patyā**, *incurred by the husband*; **yoshit,** *the woman i. e.* the wife, should certainly not pay; **putreṇa kṛtam,** *that contracted by the son*, **yoshit,** *the woman i. e.* the mother should not pay. Similarly, a debt incurred by the son, the father need not pay. So the husband need not pay **strīkṛtam,** that *contracted by the wife.* The clause **kutumbārthâdṛte,** *except when it is (contracted) for family purposes,* qualifies all.

And therefore by whomsoever a debt is incurred for a family purpose that should be paid by the head of the family. In his absence, it should be paid by those who are entitled to take his share. This has already been said[1].

Viramitrodaya.

The Author connects the aforestated rule with both

Yâjñavalkya, Verse 46.

Patiputrâbhyâm kṛtam, 'by the husband and the son, incurred', a debt, *yoshit*, 'the woman', either the wife or the mother of the person contracting the loan, should not pay back to the creditor. *Putreṇa Kṛtam ṛṇam*, 'a debt incurred by the son', the father need not pay. *Striyâ*, 'by a woman', *i.e.*, by the wife, similarly, unles incurred for a family purpose, the debt a husband need not pay. This is by implication[2]. As says Vishṇu[3]: 'Nor what was contracted by a woman, either the husband or the son (should pay)'. (46).

S'ûlapâṇi.

Yâjñavalkya, Verse 46.

So Bṛhaspati: "A debt incurred by the son, may be discharged by the father, if agreed to (by him); or he may make (the payment) out of affection for the son; not otherwise." (46).

1. Verse 45 above p. 783.

2. उपलक्षणम्—Implication-स्वप्रतिपादकत्वे सति स्वेतरप्रतिपादकत्वम् Implication of something in addition of any similar object when any one is mentioned; a part for the whole, or an individual for the species, or of a quality for that in which the quality exists. *Apte.*

3. Ch. VI. 32,

The Author will say[1] further on that a debt should be paid by sons and grandsons. He mentions by anticipation an exception to the rule

Yâjñavalkya, Verse 47.

That which was contracted for the purposes of spirituous liquor, lust, or gambling, or which is due as the balance of an unpaid fine or toll, as also a gift without any consideration the son should not pay (such) paternal debt.

Mitâksharâ :—A debt which was contracted[2] for drinking **surâ**, *spirituous liquor*. Contracted for **kâma**, *lust, i. e.* brought about by a passion for women. In **dyûte**, *gambling i. e.* brought about by a defeat (in it); **dandasulkayor, avas'ishtam**, *the balance due from a payment of fine or bride-price*. Idle gifts **vrithâdânam**, *gifts without consideration*, what has been promised to rogues, bards, wrestlers &c. As it has been said : " What has been given to a rogue, a bard, a wrestler, a quack, a liar, and a cheat, and to swindlers, itinerant singers and dancers and to thieves bears no fruit."

* Page 32.

Such a debt, when incurred by the father, the son and others should not pay *i. e.* to the vintner and others.

Here from the use of the word 'balance' in the text "a balance of an unpaid fine or toll" it should not be supposed that the entire amount is to be paid. As **Aus'anasa** has said: "A son should not pay a fine or the balance of it, the (amount of the) toll or its balance, and also whatever is not[3] legal or capable of being recovered by a suit." It has also been said by **Gautama**[4]: that "(money due from a father on account of) a debt incurred for spirituous liquor, or a *sulka*[5], or in gambling, or for amorous pleasures

1. Verse 50 p.

2. सुरापानेन *i. e.* सुरापानाय Here the Instrumental has the force of the Dative. The instrumental denotes the हेतु under the व्या. सू. 'हेतौ' 2-3-23. The example given in the कौमुदी is अध्ययनेन वसति—where अध्ययनेन is equivalent to अध्ययनाय।

3. अव्यवहारिकम्—see *Durbar Kachar* Odha *Lal* vs. *Kachar Harsar* 32 Bom. 348 and cases cited in Gharpure's Hindu Law (1931 Ed. p. 232).

Where the liability of the father arose under a criminal offence *e. g.* thept Or. misappropriation *Mahabir Prasad* vs. *Baldeo Singh* 6 All. 234. *Toshan Pal Singh* vs. *D. Cf. Agra* 61, I. A. 350.

4. Ch. XII. 38.

5. **Haradatta**—interprets *Śulka* as bride-price. "शुल्कं प्रतिश्रुत्य विवाहं कृत्वा मृते तत्पुत्रं न तच्छुल्कमभ्यामवाति।" *sûlka* also means a tax, toll &c.

as also a fine shall not involve a son". The meaning is that they do not devolve upon a son. By this (text) a debt which should not be paid has been mentioned.

Viramitrodaya.

Even a debt incurred by the father, sometimes need not be paid; that the Author states

Yâjñavalkya Verse 47.

For *Surâ* 'spirituous liquor', and like causes, *kṛtam*, 'contracted', *daṇḍam*, 'fine', or *śulkam* 'bride-price', as also the balance of it. Of the three words is formed the *Dwandwa* compound as if it is a single word. *Vṛthâ*, 'idle', without regard to *dharma*, what was promised to be given—all this (kind of) debt *paitṛkam*, 'incurred by the father', *iha*, 'here', *i. e.*, in satisfaction of a proceeding started in this world, *putro*, 'the son', *na dadyât*, 'need not pay'. For the father's emancipation in the other world, however, he may pay at his option.

By the use of the word *eva*, 'also', is excluded the non-payment of what was promised by the father for a religious purpose, vide the text of **Kâtyâyana**[1]: "Whether while at ease or in distress, when a gift has been promised for a religious purpose, and the donor die without completing the gift, his son should be compelled to make it good; of this there is no doubt."

By the use of the word *tathâ*, 'similarly', are included merchandise, etc., mentioned by others, so says **Gautama**[2]: "Sons need not pay a surety debt, a debt incurred in trade, the bride-price, drinking and gambling debts, as also a fine." 'Surety debt', *i.e.*, an obligation incurred as a surety for appearance, or surety of assurance.

Bṛhaspati[3]: "A debt incurred for spirituous liquor, or a gambling debt, an idle gift, a promise made under an amorous influence, or in wrath, a surety debt, or the balance of a fine, the sons should not be compelled to pay." **Vyâsa**: "The fine or the balance of a fine, the bride-price, or a balance of it need not be paid by the son, as also *na vyâwahârikam*, *i.e.*, that which is not incurred in accordance with law." *na Vyâwahârikam*, 'not incurred according to law', which is excluded by the law, such as that which was caused to be entered into under compulsion.

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1. Verse 566, or 654. 2. Ch. XII. 38. 3 Ch. XI, 51.

Kâtyâyana[1] explains what is incurred under an amorous influence or in wrath: "Whether under a writing or even without it, what was promised, must be paid. What is promised to a woman of another should be known as a debt incurred under an amorous influence (564). Where after causing injury in anger or having caused destruction of property, what was promised by way of pacification, that should be known as a debt incurred in wrath" (565).

Here, by the mention of a fine, comes to be included its balance; its repetition again, therefore, is intended to indicate that such should be made in the case of a very large fine; a small balance, however, need not at all be paid. According to **Ratnâkara** it is deducible that in the case of a small fine even the entirety need not be paid. (47)

S'ûlapâṇi.

Yâjñavalkya, Verse 47.

The father's debts (incurred) for drinking spirituous liquor or for sexual intercourse with women belonging to others, incurred for gambling, as a penalty; the son should not pay. What has been admitted by the father as a debt to be paid is the 'father's debt'. A mother's debt the son need not pay. (47).

The Author mentions an exception to the text[2] "Nor a husband that of the wife."

Yâjñavalkya, Verse 48.

The debt of the wife of a herdsman, vintner, dancer, washerman or hunter should be paid by the husband; since their livelihood depends upon them.

Mitâkshara:—**Gopaḥ**, *herdsman i. e.* a cowherd; **s'auṇḍikaḥ**; *a vintner i. e.* a liquor-manufacturer; **s'ailûshaḥ**, *a dancer, i. e.* an actor; **rajakaḥ**, *a washerman i. e.* a dyer of clothes; **wyâdhaḥ**, *a hunter i. e.* pursuing the game.

By the wives of these whichsoever debt is incurred that should be paid by the husbands **Yasmât**, *since*, **vṛittiḥ**, *their livelihood i. e.* living; **tadâs'ryâ**, *depends upon them*, *i. e.*, dependent upon women.

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1. Verses 564, 565.
2. Yâjñ. II 46 page 784. ll. 28-29 above.

By specifically mentioning the reason (of this rule) viz. "since their livelihood depends upon them" it appears that others also whose livelihood depends upon women should also pay a debt incurred by the wife.

Viramitrodaya

'Not the husband, that contracted by the wife, similarly'; thus it has been said[1]; the Author mentions exceptions to this

Yâjñavalkya, Verse 48.

Gopaḥ, 'herdsman' *i. e.*, a cowherd; *śaundikaḥ*, 'a vintner', *i. e.*, a liquor-manufacturer; *śailûsho*, 'a dancer', *i. e.*, an actor; *rajako*, 'a washerman' *i. e.*, a dyer of clothes; *vyâdho*, 'a hunter, *i. e.*, one who subsists on hunted animals; the wives of these '*tâsâm ṛaṇam*' their debts'; *patir dadyât* 'the husband should pay'; since, *teshâm*, 'of these', *i. e.*, of the cowherd and the rest, *vṛttir*, 'livelihood', *i. e.*, maintenance, *tadâśrayâ*, 'depends on them', *i. e.*, is dependent on the wives.

Here the statement of the rule having been made with the statement of the reason, it appears that others also whose livelihood depends upon their wives, such as the fisherman, potter &c., should pay the debts contracted by the wives. (48)

S'ûlapâṇi.

Yâjñavalkya, Verse 48.

On account of the rule having been stated together with the reason, the wives of foresters &c. also are included. (48).

The Author mentions the exception to the rule that "A wife should not pay a debt incurred by the husband[1]."

Yâjñavalkya, Verse 49.

A debt agreed to by her, or which was contracted by her jointly with the husband, or by herself (alone), should be paid by a woman. A woman is not bound to pay any other debt.

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1. Yâjñ. II 46 page 784 l. 3.

A debt which was agreed to should be paid.

Mitâksharâ:—By the husband who was either dying or proceeding on a journey, **pratipannam**, *a debt which was agreed*[1] *to*, on being charged or enjoined, such a debt of the husband, **deyam**, *should be paid*. Likewise a debt which was incurred by the wife, **patyâ saha**, *jointly with the husband*, even that, should be paid by the wife in the absence of the husband, when she is sonless. So also a debt which was incurred **swayameva**, by *herself alone*, should even be paid (by her).

It may be said:—"It need not be mentioned that the three kinds, such as a debt agreed to by the wife, &c., should be paid by her"; because there exists no doubt about[2] it.

The answer is that on account of the text[3]: "A wife, a son, and a slave—all the three are considered to be incapable of having property; whatever they acquire becomes the property of him to whom they belong", they are without any property; and a doubt may be created about the non-payment of agreed debts, &c., and hence the text: "A debt agreed to by a woman should be paid by her" has been mentioned. Likewise the text referred to above does not lay down the incapacity of women and others to hold property; inasmuch as the object of the text is to argue their dependence alone. Moreover, this will be made clear in the chapter on Partition.

It may also be said:—"Then it need not have been said that *a woman is not bound to pay any other debt*," because the non-liability

1. The Translation given here is in accordance with the two glosses *viz.*, Bâlambhaṭṭi and Subodhini. The better rendering of the Mitâksharâ would appear to be as follows: "That which was assented to by the wife acting under the wish of her husband who was either in a dying condition or was about to set out on a journey." This would make it a debt incurred by her but for and on behalf of her husband. The two glosses appear to indicate it as a debt incurred in the first instance by the husband, but of which the liability was subsequently undertaken by the wife when the husband was on his death-bed or about to set out on a journey.

2. *i. e.* about her liability to pay, on account of the agreement.

3. Manu VIII. 416.

for other debt follows from the principal rule itself.[1] To this the answer is that it is mentioned as an exception to the general rule contained in the text.[1]—"A debt agreed to by a woman should be paid by her, as also that which was contracted by her jointly with the husband." The purport is that **anyat,** *any other,* bad debt, covered by the text[2] "a debt incurred for spirituous liquor or for amorous passion, &c." should not be paid even if it had been agreed to or contracted jointly with the husband.

Viramitrodaya

'Not[3] the wife, (a debt contracted) by the husband or the son', ending with this, it has been stated that a wife need not pay a debt contracted by the husband ; there, the Author states a special rule

Yâjñavalkya, Verse 49.

A debt contracted by the husband, for whatever reason, what has been *pratipannam* 'acknowledged,' *i. e.*, admitted by him as repayable by himself, that, or that which was jointly contracted along with the husband, or what was contracted by the wife herself, that must be paid by the wife ; no other debt is a woman bound by pay.

'By the husband'—this includes by implication, 'by the son' also. As says **Kâtyâyana**:[4] "contracted along with the husband, or the son, or incurred solely by herself." **Nârada**[5]: "Not the wife should pay what was contracted by the husband, similarly that contracted by the son. Or if by a husband on the point of death she is requested—'Oh dear, pay this,' then even if not acknowledged, she should—if the woman has taken (his) wealth." (49)

S'ûlapâṇi.

'Not[3] the wife &c,' to this the Author states an exception

Yâjñavalkya, Verse 49.

By the words *yad, wá* &c., 'or that which &c.', vide the text of **Kâtyâyana**[4]: "With the husband, or along with the son &c.". **Kâtyâyana**[6]: "By a husband who was about to die, when a woman was charged thus: 'This debt should be paid by you", even though not agreed to, she should be made to pay if she is possessed of wealth". (49).

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1. *i e.* the one contained in the first three quarters of Yâjñ. II. 49.
2. Yâjñ. II. 47.
3. Yâjñ. II. 46.
4. Verse, 546.
5. Ch. V. 16. also see Kâtyâyana Verse 547.
6. Verse, 547.

The Author mentions again the threefold classification, *viz.* what debt should be paid, and at what time also, and when should it be paid

Yâjñavalkya, Verse 50.

When the father has gone abroad, is dead, or is immersed in difficulties also, his debt should be paid by the sons and grandsons; in case of a denial, when established by witnesses.

A debt payable by sons and grandsons.

Mitākshara:—If the father, without paying a debt which is payable, **pretaḥ**, *be dead,* or is gone to a distant country, or is attacked by an incurable disease and the like, then the debt incurred by him when made known, (should be paid) by the son or the grandson; and even when there exists no property of the father, in their capacity as son and grandson.

Here the order (to be observed) is also thus: in the absence of the father, the son, in the absence of the son, the grandson. When the son or the grandson, **ninhave,** *set up a denial*, a debt, **kṛte,** *proved by* (the plaintiff creditor) **sâkshibhâvitam,** by means of *witnesses*, and others should be paid by the sons and grandsons. This is the (order of) construction.

* Page 33.

Here the text says only so much, *viz.* " When the father has gone abroad." The particular interval, however, should be allowed as mentioned by Nârada[1]: " Where the father, uncle, or the eldest brother has gone abroad, the son (nephew or yonger brother) is not bound to pay his debt before the lapse of twenty years." And even in the case of death, he should not pay before he reaches the age of majority. After reaching the age of majority, however, he should pay. That period, moreover, has been indicated by the same Author[2] " Up to the eighth year, a child is viewed in the same light as one in the embryo. A youth who has not reached the age of sixteen, is called a *Pauganda.* After that he is (considered as) a major and is independent in the absence of his parents."

1. Ch. I. 14.
2. Nārada Ch. I, 35-36.

Although after the death of the parents he becomes independent even though a minor, still he does not become liable for (the payment of) debts. As has been said[1]: "One, who though independent, has not yet attained (the age of) majority is not liable for a debt. For it has been laid down that (real) independence belongs to the senior; (and) seniority is determined both by capacity and age." Similarly a prohibition against an arrest or summons is also noticeable *vide*[2]: "One who has not arrived at years of discretion, a messenger, one about to distribute alms, one observing a vow, and persons immersed in difficulties, these persons must not be arrested, nor shall the king summon them (before a court of justice)". Therefore, "Hence every one standing in the capacity of a son, leaving aside his personal interests, should free his father from debts by (all) efforts, so that he may not (have to) go to hell." 'Every one standing in the capacity of a son' should be explained as 'a son who has attained the age of majority'. For (offering) a *s'râddha*, however, even a youth has authority, *vide* the text of Gautama *viz.*: "One must not make him (a child) recite Vedic Texts, except in pronouncing *Swadhâ*[3].

By the use of the plural number in "Sons and grandsons," (it is indicated that) if there are several sons who are divided, they should pay according to their respective shares. If they are undivided, and are living jointly in a body, giving the managership according to qualifications, it appears that the manager alone should pay. As says Nārada[4]: "Therefore, when the father is dead the sons should pay the debt each according to his share, when they are divided; or if undivided (it should be paid) by one who holds the lead (in the family)."

Here although, it has been generally said that 'the debt should be paid by sons and grandsons', even then a distinction should be observed that by the son the debt should be discharged together with interest similarly as the father would do; by the grandson, however, only the amount equal to the original

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1. By *Nârada* Ch. I. 31. 2. *Nârada* Intro. I. 52.

3. *Gautama* II, 5. The expression "pronouncing Swadhâ" includes by implication the performance of all exequial rites". (पित्र्यस्य सर्वस्य कर्मण उपलक्षणम्) हरदत्तः। 4. Ch. I. 2.

principal and not the interest. *Vide* the text of Bṛhaspati[1]: "The debt of the father which has been proved, should be paid by the sons as if it were their own (debt); the grandfather's debt should be paid in an even amount; his (*i. e.* grandson's) son, however, is not liable to pay any debt." Here from the general use of the term 'proved,' the use of the term 'witness' in the expression "established by witnesses" is by implication indicative of any means of proof. Equal amount (*samam*) i. e. as much as was taken should be paid, and not interest. His son (*tatsutaḥ*) *i. e.* great-grandson is not liable to pay when he has received no property. This, moreover, will be made clear in the next verse.

Viramitrodaya.

In the case of a debt contracted by the father, or by the grandfather, when neither is available for payment, by whom should it be paid? So the Author says

Yājñavalkya, Verse 50.

Proshite, 'has gone abroad' *i. e.*, is travelling; *prete*, 'is dead'; *vyasane*, 'in difficulties' such as by an incurable disease or the like, *abhiplute*, 'immersed' *i. e.*, overpowered; *pitari*, 'on the father' or the grandfather also; their 'debt' *ṛṇam*; *ninhave* 'on a denial' *i. e.*, on a concealment by the negotiator of the loan, or when disputed by the son and the grandson, *sâkshyâdibhiḥ* 'by witnesses' &c., and the like means of proof; *bhâvitam*, 'established' *i. e.* proved by the creditor, such should be paid by 'sons or the grand-sons', *putrapautrerwâ*.

By the use of the word *api*, 'also', is included the taking on a 'renunciation', (प्रव्रज्या), vide the text of Vishṇu[2]: "When the person who borrowed the money is dead, or has become an ascetic, or has gone out on travel for twelve years or more, the debt should be paid by the sons or the grand-sons, and not by any further (descendants) if unwilling."

The expression 'for twelve years' has application where the debt is incurred for other than a family purpose.

By the expression, 'by the sons or the grand-sons' are excluded the great-grandsons, vide the declaration in the text "and not by any furtner, if unwilling".

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1. Ch. XI. 49. But where ancestral assets have been recovered even a great-grandson is liable, see *Masitullaḥ* vs. *Damodar* 53 I A 204-212; 48 All. 518.
2. Ch. VI. 27.

Here Vyâsa[1] mentions a special rule: "A debt of the grand-father should be paid; a son should pay a liability incurred on account of surety-ship; he should be compelled to pay an equal amount; his son, however, must not be compelled to pay; this is certain". *Samam*, 'equal', *i. e.* without interest. 'His son', *i. e.* the son of him who has to pay an equal amount. (50).

S'ûlapâṇi

Yâjñavalkya, Verse 50.

When the father who has incurred a debt, is addicted to gambling, prostitutes, and other vices, or is attacked by an incurable disease or the like, as also when he has fallen, in a case of dispute, what has been demonstrated by witnesses and the like, should be paid.

So Nârada[2]: "When the father is dead, the sons should pay the debt according to their shares". Bṛhaspati[3] mentions a special rule: "The father's debt, when proved, must be paid by the sons as if it were their own; the grand-father's should be paid, (but) equal[4]; but his son, has not to pay at all". 'As if it were his own', *i. e.* with interest.

Kâtyâyana[5]: "When the father is alive, but is oppressed by a disease, as also when he has gone abroad for twenty years, a debt contracted by the father should be paid by the sons". (50).

In the discharge of a debt, the debtor, his son and grandson have been indicated as the three persons who are liable; their order of liability has also been pointed out when they all co-exist. Now the Author mentions the order (of liability) when these and (others also) who are liable, exist together

Yâjñavalkya, Verse 51.

The heir who takes the heritage, should be made to pay his debts, as also he who takes the woman (of the

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1. This is an important text as it lays down different kinds of liabilities and on different bases thus. (1) A son is liable to pay a surety-debt but only the principal, and not the interest (2) and so is a grandson liable to pay the grandfather's debt, only the principal, and that too for an ordinary debt, but not a surety-debt. (3) In either kinds of debts and persons, the liability does not extend to their sons. See however, note 1 on p. 794.

2. Ch. I. 2. 3. Ch. XI. 49.

4. *i. e.* without interest, see the text of *Vyâsa* and the note on p.

5. Verse 548.

deceased), or (failing these), the son when the parental estate has not gone to another. Of a sonless man, those who take the heritage (should be made to pay the debts.)

Mitâksharâ:—Property which belongs to another, but becomes one's own otherwise than by purchase etc, is (termed) **riktha**, *heritage. He who takes the heritage* by inheritance is (called) a **riktha-grāhaḥ**. *He should be made to pay the debt,* **sa ṛṇam dâpyaḥ**. This is the meaning. He[1] who takes the property of another in the form of a heritage, should be made to pay the debts incurred by such a one, and not a thief etc.

He who takes the woman i. e. the wife, is a **Yoṣhidgrâhaḥ**. He should be made to pay in the same manner. Whosesoever wife a man takes, that man should be made to pay the debts of him. The wife has been specially mentioned as it is (*i. e.* the term) incapable of falling under the term **riktha**, as also it is indivisible property.

Putro, *a son*, also *when the parental estate has not gone to anothsr*, **ananyâs'ritadravyaḥ**, should be made to pay the debt. That which has gone to another is 'wealth gone to another,' *anyâṣritaṃ*. He whose wealth, belonging to his father or mother, has gone to another is one whose wealth has gone to another, *anyāṣritadravyaḥ. He whose wealth has not gone to another* is an **ananyâs'ritadravyaḥ**; **Putrahinasya**, *of a sonless man*, **rikthinaḥ**, *those who take the heritage*, should be made to pay the debts. This is the construction.

When these co-exist, the order (of priority) is the same as is stated in the text *i. e.* he who takes the heritage should be made to pay the debts; in his absence he who takes the wife; and in his absence the son.

* Page 34

51. See *Munshi Karim Uddin* vs. *Kumar Govind Krishna* 31 All.497 (P.C.) The liability is personal—The debts are not a charge upon the estate. *Laxman* vs. *Saraswatibai* 12 Bom. H. C. R. 98.

As regards co-owners taking by survivorship, see *Deen Dayal* vs. *Jugdip Naran* 4 I. A. 247. *Udaram* vs. *Ranu* 11 Bom. 11. C. R. 76.

A widow taking assets is liable. *Jayanti Subbaia* vs. *Alamelu Manjamma* 27 Mad. 45. But not, if the debt was improper. *Kissendas* vs. *Rangubai* 9 Bom. L. R. 382.

* Objection

It may be said that of these the co-existence itself is not possible; because according to the text[1] "Not brothers, nor the paternal ascendants, (but) the sons are entitled to take the heritage of the father," when a son exists, it being impossible for any other to take the inheritance. It is also not possible to find one 'who takes a wife'—on account of the text[2] "Nor is a second husband ever recommended for virtuous women." Further, it is also improper to say, that the son should be made to pay the debt, as it has been (already) said that 'the debt should be paid by sons and grandsons'. The qualifying expression 'when the parental estate has gone to another' is also meaningless, as it is impossible for the property to go to another when the son exists; and even if it were possible, that import is already expressed by the clause "He who takes the heritage &c." Lastly, it should also not be said that "(The debts) of a sonless man (should be paid by) those who take the assets," because it has been established that he who takes the assets should be made to pay the debts even if the son exists. It follows therefore that much more is one who takes the assests liable to pay the debts when there is no son.[3]

The Answer.

To this the answer is as follows: It is possible that another may take the heritage (even) when the son exists, as there is no (right of) succession to inheritance for the impotent, the blind, the deaf and the like others even though they occupy the position of sons. Moreover, the Author will say further on,[4] after commencing (in order) with the impotent and others, that "these should only be maintained without a share." As **Gautama**[5] has said: "According to some, the son of a woman of equal caste even does not inherit, if he be living unrighteously." Hence also, when the sons are impotent or otherwise (incompetent), and the son of a woman of equal caste leads an unrighteous life, the uncle, his son and (like) others take the heritage.

1. Cf. Manu. IX. 185. 2. Cf. Manu. Ch. V. 161.

3. Here ends the five-fold objection.

4. II. Verse 140. 5. Ch. XXVIII. 40.

Nature of women owned by another and others.

Although it is not possible for one to take the wife of another as the *S'âstras*[1] are opposed, still one who transgresses the prohibition certainly becomes liable to discharge the debts incurred by the former husband. A man is called a *Yos'hidgrâhi*[2] when he takes the last of the four kinds of *Swairiṇi* (wanton) women or the first of the three kinds of *Punarbhû* (re-married) women: As says **Nârada**[3] "(Besides the lawful wives) seven other sorts of wives are mentioned in order, who had[4] previously belonged to another. Among these the *Punarbhû* (re-married) is of three kinds, and the *Swairiṇi* (wanton woman) is fourfold (45). " A maiden not deflowered, but bearing the taint of the acceptance[5] (only) of the hand (by the bridegroom) is termed the **first** *Punarbhû* on account of the performance of the ceremony of marriage a second time[6] (46). When a woman has committed a crime and she is given in marriage to another by the elders, taking into consideration the usages of the country, is termed the **Second** *Punarbhû*" (52). Who has 'committed a crime' means who has 'committed adultery'. "When a woman in the absence of the brothers-in-law, is given (in marriage) by her relations to a *sapiṇda*, who is of the same caste, she is termed the **third** *Punarbhû* (48). When a woman, no matter whether she has borne children or not, goes to live with another man through lust, even while her husband is living—she is the **first Swairiṇi** (49). One who, after

1. Or, as it would be opposed to the Śâstras. But it should be noticed that a custom exists e. g. among the Ahirs of the United Provinces to take on to himself the wife of a debtor dying without redeeming the debt. And an instance was noticed very recently in Central India where the brother redeemed the wife of his deceased brother taken on by an unpaid creditor.

2. One who takes the wife of another. 3. Ch. XII. 45-53.

4. Dr. Tolly translates as, " Who have previously been eujoyed by another man".

5. Pâṇigrahaṇa (पाणिग्रहण) is the acceptance of the hand of the bride by the bridegroom.

6. In Dr. Jolly's edition of the Nârada Smṛti, this verse has been placed as descriptive of the last of the *swairṇi* women, exchanging it with verse 47 which is given there as descriptive of the second *Punarbhu.* While both Vijñâneśvara and Mitra-miśra here as also in his Digest (see page 347) give this as descriptive of the *second Punarbhu.* In the Smṛtichandrikâ also Devaṇabhaṭṭa cites this as from Nârada as characteristic of the second Punarbhu. (see p. 173 l. 5)

having left the husband of her youth and betaken herself to another man, returns into the house of her husband is known as the second *Swairiṇī* (47). When after the death of her husband, and leaving aside her brothers-in-law and other near relations a woman unites herself with a stranger through love, she is called the third Swairiṇī (50). One who having come from a foreign country, or having been purchased with money, or being oppressed with hunger or thirst, gives herself up to a man, saying.—'I am thine,'—is declared to be the fourth (*Swairiṇī*). "The debts contracted by the husbands of the last of the *Swairiṇis* and of the first of the *Punarbhus* must be paid by him who lives with them."[1]

The same author has mentioned even other persons (than these) who take the wife of another who are liable for the discharge of debts: "If however, a woman who has considerable property or has a child and repairs to another man with these, that man must pay the debt contracted by her husband, or he must abandon her."[2] One having considerable property is a *Sapradhanâ i. e.* possessing enormous wealth. So also "He who has intercourse with the wife of a dead man who has neither wealth nor a son, shall have to pay the debt of her husband, because she herself is considered as his property."[3]

Moreover, the repetition of the word *putra* is only indicative of order. By the expression *ananyâs'ritadravyaḥ* it is indicated that even when there is no heritage, of the many sons, he alone is competent to discharge the debts who is competent to take a share and not the incompetent, such as the blind and like others. The expression "Of a sonless man, those who take the heritage" is also indicative of one who has no 'son or grandson.' *i. e.* if the great-grandsons etc. take the heritage then they should be made to pay the debts, and not otherwise; this is the meaning.

It has already been said that sons and grandsons should be made to pay (the debts) even when they do not take the heritage. As says Nârada:[4] "If a debt which has been inherited in an uninterrupted

* Page 35.

1. Nârada I. 24.
2. Nârada I. 21.
3. Narada 1. 22
4. Ch. I. 4.

line of descent has not been paid by the sons, such a debt of the grandfather must be discharged by his grandsons. The liability ceases after the fourth (person) in descent." Thus everything[1] is faultless.

Or, it has been said "that failing him who takes the wife, the son should be made to pay."

It has been laid down that failing the son, one who takes the wife should be made to pay. By the *rikthi* in the expression *putrahīnasya rikthinaḥ* the wife alone is indicated. Because the text[2] is "She herself is considered as his property ;" as also—"He who takes a man's wife, takes his wealth."

An objection.

It may be said, the two expressions viz. "In the absence of him who takes the wife, the son should be made to pay the debt", and "In the absence of a son, he who takes the wife (should be made to pay)"—are mutually contradictory. When both exist, no one should be made to pay. (To this the answer is) : There is no fault here.

The answer.

In the absence of those who take the last *Swairiṇi*, the first *Punarbhû*, or a wife having considerable wealth, the son should be made to pay. And in the absence of a son, he who takes a wife having no property or child should be made to pay. This very thing has been said by **Nârada**[3]: "Of the three *viz.* he who takes the wealth, as well as he who takes the wife, and (lastly) the son, he is liable for the debts who takes the wealth. The son is liable in the absence of him who takes the wife or of him who takes the wealth ; and he who takes the wife (is liable) in the absence of him who takes the wealth or of the son." When all the three *viz.* he who takes the wealth, or he who takes the wife, and (lastly) the son, exist together, he who takes the estate becomes liable for the debt. The son, in the absence of him who takes the wife or him who takes the wealth. (The words) *Strî* and *dhana* make up (the compound word) *Strîdhana.* Those who possess these (two) are (indicated by the compound word) *Strīdhaninau.* In the absence of these two *i. e.* the *Strīdhaninau*, the son alone becomes liable for the

1. This has a reference to the five points of objection stated above.

2. Narada. I. 22. 3. Ch. I, 23.

debts. In the absence of him who takes the wealth, or of the son, he who takes the wife is alone liable for the debts. In the absence of him who takes the wife, the son is liable for the debts, and in the absence of the son he who takes the wife. Thus is removed, as before, the apparent contradiction.

Of the clause " Of a sonless man, those who take the heritage" (should be made to pay the debts)" there is another explanation: When it is asked to whom these persons who take the wealth, or the wife, as also the son, should be made to pay, the answer is that they should be made to pay the creditor, in his absence his son &c.; and when in the absence of his son &c. it is asked to whom should these be made to pay, this clause would have an application.

The expression "Of a sonless man, those who take the heritage" means this: He who is the *rikthi i.e.* a *sapiṇḍa*, or another who is entitled to take the inheritance of a creditor who has no son or other issue, should be made to pay to him—the *rikthi* (the debtor). For Nârada[1] has said:—"Whatever debt is due to a (deceased) Brâhmaṇa creditor who leaves issue is payable to the issue. If there be no issue it should be paid to his *sakulyas*, and on failure of these, to his own *bandhus* or kindred". When, however, there are neither *sakulyas*, nor relatives, nor the kindred, then it should be paid to the twice-born. On failure of these, it should be cast into the waters." (51.)

Viramitrodaya.

Intending to mention persons other than the sons and the like, liable to pay a debt, the Author proceeds

Yâjñavalkya, Verse 51.

Putrahînasya, 'of one without a son', not oppressed with difficulties, possession of wealth, and competent; *rikhthinaḥ*, 'those who take the assets', of the debtor, by any means whatever is to be proceeded against in regard to his property which he has made his own, such a one if he is indifferent, should by a regular procedure be made to pay the wealth in the form of the debt. In his absence, one who takes over the wife of the debtor should be made to pay.

1. Ch. I. 112-113.

The use of the word *cha*, 'also', is intended to include others not (here) specified who may (be made to) pay. Thus one not oppressed with difficulties, possessing wealth, and competent, such a son, or also a son not like him, who has taken the father's entire property, is liable for the payment of his debt, as he has taken the entire estate. Thus here, the conclusion is that, in the absence of the first and the last, a son not oppressed with difficulties, possessing wealth, and who is competent, in his absence one indifferent who takes the heritage, in his absence, one taking the wife of the sonless man with property, and in his absence, a son though not possessing the aforestated qualifications.

The word *eva*, 'also' is to be used after the clause 'of one without a son'. From this, it has been pointed out that the debt of one who has a competent son, should not be paid by one who takes the assets or one who takes the wife.

So **Bṛhaspati**[1] : "The liability for the debts devolves on the successor to the estate, when the son is involved in a calamity ; or on the taker of the wife, only in the absence of the taker of the estate". **Kâtyâyana**[2] also : "A son should be compelled to pay the debt, if he is free from worry, and capable of having property, and competent; otherwise a son should not be made to pay (557). Where a son is found to be overpowered with difficulties, or is a minor, the taker of the assets should be made to pay it, and in his absence, the taker of the wife (576)".

This rule of adjustment is in regard both to difficulty and equity, and is also approved of the **Mis'ra** ; and therefore any opinion in other digests contradictory of this should not be admitted.

As regards the clause, 'of one sonless, those who take the heritage', the **Mitâkṣharâ**[3] explains that by this it is stated that in the place of a sonless creditor, those of the *Sapiṇḍâs* who take the assets should be caused to be paid by the debtor.

In the case of a taker of the wife, **Kâtyâyana**[4] explains : "What was contracted by the moneyless and sonless vintner and the like, that man who enjoys his wives must pay his debt" (577). By the word *âdi*, 'and the like', are to be included those who depend for their livelihood upon their wives. **Similarly**[5] : "Those who have gone on a long journey,"

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1. Ch. XI. 52.
2. Verses 557, 576.
3. p. 301. l. 5-10.
4. Verse 567.
5. Verse 575.

who have been cast off, and who bear the marks of dullness in intellect or insanity, of these even though living, the debt should be paid by those who have resorted to their wives or assets (578)."

Nârada[1]: "One who is a maiden yet, not deflowered, but bearing the taint of the acceptance (only) of the hand (by the bridegroom) is termed the **First Punarbhû** on account of the performance of the ceremony of marriage a second time (46). Taking into consideration the usage of the country, when a woman is given in marriage to another by the elders, when she has been guilty of a crime[2], such a one is termed the **Second (Punarbhû**[3]**)** (52). In the absence of the brothers-in-law, when a woman is given in marriage by the *bândhavâs* or kinsmen, to a man of the same *varṇa* and of the same piṇḍa[4], she is termed the **Third (Punarbhû)** (48). When a married woman, either when she has borne children, or has not had children, resorts to another man through lust, while yet her husband is living, she is called the **First Swairiṇî** (49). One who, after having left the husband of her youth and betaken herself to another man, returns to the house of her husband is known as the **Second Swairiṇî** (47). When after the death of her husband, leaving aside her brother-in-law and other relations, a woman unites herself with a stranger through love, she is called the **Third Swairiṇî** (50). One who having come from a foreign country, or having been purchased with money, or being oppressed with hunger or thirst, gives herself up to a man saying—'I am thine',—is declared to be the **Fourth Swairiṇî** (57). In regard to the one who is the last of the *Swairiṇîs*, and the one who is the first of the *Punarbhûs*—the debts contracted by the husbands of these, must be paid by the man to whom they resort (I. 24)". (51).

S'ûlapâṇi.

Yâjñavalkya, Verse 51.

Ṛkthagrâhaḥ, 'Who takes the heritage,' such as the uncle &c., on account of his relationship, one who has taken the assets; such a one *ṛṇam dâpyaḥ*, 'should be made to pay the debt'. So also the taker of the wife even. The son capable of taking property and devoid of any estate;

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1. Ch. XII. 46--52; and Ch. 1. 24.

2. *i. e.* adultery.

3. see note 6 on p. 798 above.

4. सवर्णाय सपिण्डाय is the reading in Jolly, Mitâksharâ, and in both the works of Miśra. सवर्णायासपिण्डाय would be a better reading.

who has not received the father's property; not one who has taken the father's property, such a one being included in his capacity of having taken the assets. Of one without a son, those who are competent to take the heritage, such as the uncle &c.

Of the taker of the heritage, or of the wife, or the son, when and by whom should be paid? So **Nârada**[1]: "Of the three viz.: he who takes the wealth, as well as he who takes the wife, and (lastly) the son, he is liable for the debts who takes the wealth; the son is liable in the absence of him who takes the wife, or of him who takes the wealth; and he who takes the wife (is liable) in the absence of him who takes the wealth, or the son." In the absence of the taker of the wife or of the heritage even by a son who is not competent may be paid; when the taker of the wife or of the heritage are available, only by a son who is competent. On this rule of adjustment **Kâtyâyana**[2] says: "A son should be compelled to pay the debt, if he is free from worry; is capable of having property and is competent; otherwise, the son should not be made to pay (557). Where the son is oppressed with difficulties, or is seen to be a minor; in such a case, the taker of the property should be compelled to pay, and in his absence, the wife-taker (576)." (51).

While mentioning the prohibitions regarding the recovery of debts from particular individuals, the Author mentions other prohibitions.

Yâjñavalkya, Verse 52.

Among brothers, between the husband and the wife, and between the father and the son, the relation of suretyship, lending, or being witnesses has not been allowed while they are undivided.

The relation of suretyship, lending and being witnesses prohibited when (the family) undivided.

Mitâṣharâ:—The relation of a surety is *suretyship*, **prâtibhâvyam**. Of the brothers, of the husband and wife, and the father and son *while the estate is undivided*, **avibhakte dravye**, *i. e.* before the partition of the estate, the relation of suretyship, lending, or being a witness *has not been allowed*, **na smṛtam**, by **Manu** and others. Nay, it has even been prohibited as there is (still) the community of wealth. As it is quite possible

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1. Ch. I. 23.

2. Verses 557, 576.

that suretyship and being a witness might lead in the end to loss of money, and also as a debt requires necessarily to be repaid.

This rule (of prohibition), however, applies when there is no mutual consent. For, by mutual consent, the relationship of suretyship &c. may indeed take place even though (the members be) undivided. After partition, it takes place even though there is no mutual consent.

An objection.

It may be said, the prohibition against the relation of suretyship &c. between the couple before partition is not proper. As there is no (possibility of a) partition between them, the qualification[1] would be meaningless. And the negation of a partition has been laid down by Apastamba[2] (thus) :—"No division takes place between husband and wife."

An Answer.

(To this the answer is), True ; but the absence of a division has a reference only to the rites which can be performed by means of the *S'rauta*[3] and the *Smârta*[3] fires and to the rewards proceeding from these (rites), and not moreover to all kinds of acts and property. For, after stating that no (division) takes place between the husband and the wife', and anticipating the question 'Why does it not take place'? the (same) author has thus laid down the reason (for this rule): "For, from the time of marriage, they are united in religious ceremonies, likewise also as regards the rewards for works by which spiritual merit is acquired[4]" *For i. e.* since their union has been laid down in religious ceremonies beginning with the acceptance of the hand (of the bride by the bridegroom), vide the text: "The husband and wife should consecrate the (sacred) fire." Therefore since the two have a joint right in the consecration of the fire, they

Page 36.

1. *viz.* 'before partition'. 2. 2-6-14—16.

3. A *Śrauta* (श्रौत) karma is that which is prescribed by the *Śruti* or *Veda*. *A Smârta* (स्मार्त) karma is that which is laid down in the *Smṛtis*. *e. g.* in the several Gṛhya works of each *Śâkhâ* of the several Vedas.

4. Apastamba 2-6-14-(17-18.)

have also a (similar) and joint right in regard to the rites which are to be performed by means of the sacred fire prepared by means of the consecration. Moreover, from the text[1]: ("Let the householder perform) the *Smârta* ceremonies on the nuptial fire &c. ", the two have a joint right even in (the performance of) the rites to be performed by means of the nuptial fire. Therefore in ceremonies which are independent of either of the two fires such as the *pūrta*[2] rites, the husband and the wife have each a right independently of one another. Moreover, the (perpetual) union of the husband and wife has been laid down in reference to (the attainment of) heaven &c. (which are) the rewards for meritorious deeds. Vide the S'*ruti* text[3]: " May you (two) start an imperishable body in the heaven " &c. Thus it should be understood that the union of the two exists in reference to those acts (only) for which they have a joint right, and not, moreover, in the rewards also of those performed with the husband's permission such as *pûrta.*

It may be said that the jointness (of husband and wife) has been laid down even, in connection with the ownership over wealth vide the text[4] :—" And with respect to the acquisition of property. For they declare that it is not theft if a wife expends money on occasions (of necessity) during her husband's absence. "

(To this the answer is), True ; but this text has indicated the ownership of the wife over wealth, and not an absence of a division &c. Since after stating " With respect to the acquisition of property " the Author[5] has mentioned the reason of the rule (stated) there. Thus, it means, that since **Manu** and others do not declare it to be theft in cases where in the husband's absence, the wife spends on special and necessary duties such as offering a meal or

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1. Yâjñ. I. 97.

2. *Pūrta*-पूर्त—as opposed to and contradistinguished from इष्ट. See further on Mitâksharâ Sk. p. 81. l. 1-2. An इष्ट *Karma* has been thus defined:— अग्निहोत्रं तपः सत्यं वेदानां चैव पाठनम् । आतिथ्यं वैश्वदेवश्च इष्टमित्यभिधीयते ॥ While a पूर्त *Karma* has been thus defined:—वापीकूपतडागादि देवतायतनानि च । अन्नप्रदानमारामः पूर्तमित्यभिधीयते ॥

3. Taittiriya Brâhmaṇa III. 7-5.

4. Âpastamba 2. 6. 14. (19. 20.)

5. *i. e.* Âpastamba.

alms to a guest, therefore the right of ownership over property exists in favour of the wife also. Otherwise it (*i. e.* her act) would be theft. Therefore a wife also may have a share at the option of the husband and not of her own will. As the Author (himself) says further on[1]: "If he make the allotments equal, his wives should be given equal shares."

Viramitrodaya.

In the chapter on payment of debts, in the portion stated with the text 'Debt which may be paid, and which may not be paid &c.', while stating to whom it may not be paid, in that connection, the Author states other prohibitions also in that place

Yâjñavalkya Verse 52.

In the word *avibhakta*, 'undivided', the past participle (*kta*) is used in the abstract[2] sense. Therefore, when there has been no separation, *bhrâtṛṇâm*, 'between brothers' mutually, *dampatyoḥ*, 'between a couple' *i. e.* a husband and wife, as also between a father and son, *prâtibhâvyam*, 'the relation of suretyship', *i. e.* bail, *ṛṇam*, 'lending' *i. e.* giving of a loan, *sâkṣhyam*, 'being witnesses,' (position of a witness), for establishing a point in dispute, *na smṛtam*, 'has not been allowed' *i. e.* is not approved of the *Smṛtis.*

The word *atha*, 'or', is indicative of the inclusion of the paternal uncle, brother's son, and like others. The word *cha*, 'and' indicates the inclusion of re-united relations. The word *tu*, 'however', indicates the non-application of this rule in the case of consent or in regard to extraordinary things. Thus when the other party is agreeable for a suretyship or to the testimony, then the son &c. can become a surety, as also a witness for the father and the like. In the case of *Sauḍâyika*[3] articles, even when not separated, mutual transactions may take place.

After partition, however, the relation of suretyship may certainly exist, it has been expressly stated—'when unseparated', and also as there could be no objection. In the case of suretyship and being witnesses other particulars will hereafter be mentioned (52).

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1. *i. e.* Yâjña. II, 115.

2. भावे क्तः *i. e.* in a state or condition of separation.

3. सु दाय—affectionate gifts received individually. These do not become part of the family property, but are owned by the donee as of their personal right.

S'ûlapâṇi

Yâjñyavalkya, Verse 52.

The meaning is plain. Nārada :[1] "(The acts of) giving evidence, of becoming a surety, of giving and of taking, may be mutually performed by divided brothers, but not by unseparated ones." (52),

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THE LAW OF SURETYSHIP

Now the Author proceeds to consider the law of suretyship

Yâjñavalkya, Verse 53.

For appearance, assurance, and for payment is suretyship ordained. The first two, however, should be made to pay in case of default, while in the case of the last, the sons even (should be made to pay).

Suretyship is three-fold.

Mitâkṣharâ :—**Prātibhāvyam,** *suretyship,* is a 'contract with another person with the object of creating confidence.' That, moreover is divided threefold according to the difference in the subject-matter; e. g. **dars'ane,** *for appearance, viz.* with the words "whenever his appearance is necessary, I shall produce him"; **pratyaye,** *by way of assurance, e.g.* confidence i.e. "upon my assurance lend him money, he will not deceive you. Since he is the son of such and such a person, or he possesses a very fertile land, or possesses an excellent village"; **dāne,** *for payment, e. g.* "If he does not pay, then I myself will pay." Thus is suretyship ordained. (this) clause is to be taken along with each.

Âdyau tu, *the first two however, i.e.* the sureties for appearance and of assurance; **vitathe,** *in case of default, i. e.* if things turn out otherwise, that is to say in case of non-appearance or a breach of the assurance; **dāpyau,** *should be made to pay, i. e.* the amount at

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1. Ch. XIII. 39.

issue, to the creditor by the king; **itarasya,** *in the case of the last, i. e.* of the surety for payment, even the sons should be made to pay[1].

By default, **vitathe,** is meant when the debtor evades payment either fraudulently or by (pleading) poverty. By saying 'in the case of the last even the sons', it has been (impliedly) said that the sons of the first two should not be made to pay. By mentioning 'the sons' it has been indicated that grandsons should not be made to pay.

S'ûlapâṇi.

Yâjñavalkya, Verse 53

Suretyship has been ordained in regard to three *viz.* appearance etc., *Âdyau* 'the first two', *i.e.* the sureties of appearance and of assurance, on a non-observance of the condition should be compelled to pay. In the case of the surety for payment, the sons also must be made to pay. So Bṛhaspati[2]: "For appearance, for assurance, for payment, and also for delivering the assets of the debtor: it is for these four different purposes that sureties have been ordained by sages in the system (of law) (39): One says, 'I will produce (him)'; another says, 'He is a respectable man'; the third says 'I will pay the debt', and the fourth says 'I will deliver his goods' (40). The first two, on a failure of the promise, shall be made to pay immediately the amount; while the two last, on a breach of the engagement (by the debtor); and in their absence, their sons also." (41). [53].

With a view to make this very thing clear, the Author says

Yâjñavalkya, Verse 54.

Where a surety for appearance dies, or also a surety by assurance, the sons of such a one must not pay the debt; (but they should pay) in the case of a surety for payment.

1. "In the case of a surety for payment, the sons are liable. *Thangathâmal* vs. *Arunachalam* 41 Mad. 1071. and this liability is independent whether any consideration was received by the father. *Dwarka Das* vs. *Krishna Das* 55 All. 675.

2. Ch. XI. 39-41.

Sons of a surety for appearance need not pay the debt.

Mitâkṣharâ :—When **darśanapratibhūḥ**, *a surety for appearance*, **prātyayiko wâ**, *or a surety by assurance*, **mṛtah**, *dies*, *i. e.* goes to heaven, then the sons of these two must not pay the paternal debt which has been incurred as a surety. Where, however, **dānāya sthitaḥ**, *a man standing surety for payment*, dies (pratibhûḥ), **tatputrā dadyuḥ**, *his sons should pay*, (and) not the grandsons. And these too should pay the principal amount only, not the interest; *Vide* the text of **Vyāsa** *viz.*: "A grandson should pay the debt of the grandfather, as also a son that which is incurred as a surety, equal (in amount) to the principal only; their sons, moreover should not pay. This is (the) fixed (rule)."

* Page 37.

A grandson should pay his grandfather's debt excepting that which was incurred under a suretyship, *equal* in amount, *i. e.* as much as was taken, and not the interest Similarly the son also (*i. e.* of the debtor) should pay his father's debt incurred as a surety equal only to the principal amount. The sons of these, *i. e.* of the son and the grandson, *i. e.* the grandson and the great-grandson, should not be made to pay a surety-debt or even a debt which is not a surety-debt respectively when they have received no property.

As for the text[1]: "If the debtor is moneyless, and the surety possesses wealth, he shall be liable to pay the principal; he should not pay interest," that too should be explained as follows:—*Lagnakaḥ* is the surety, *Khâdakaḥ*, is the debtor. If a *lagnaka* dies possessed of wealth, then only the principal amount should be paid by his son, not the interest.

Where a surety for appearance or a surety by assurance has stood surety after obtaining a sufficient pledge, there even his sons should pay the surety debt out of that very pledge. As says **Kâtyâyana**[3]: "Where a man stands surety for appearance after

1. Of Hârita; see Smṛtichandrikâ p. 150 l. 11.

2. A guarantee that a judgment-debtor would file an insolvency petition within a specified period is a guarantee 'for confidence' and therefore the sons are not liable. *Kottapalli Lakshminarayana Rao* vs. *Kanuparti Hanumanta Rao* 58 Mad. 375 at p. 376.

3. Verse, 534.

obtaining a sufficient pledge from the debtor, his son shall be compelled to pay the debt from it in the[1] absence of his father." The use of the word *assurance* indicates by implication (also)[2] *appearance. In the absence of the father i. e.* when the father is dead or has gone to a distant region.

S'ûlapâṇi.

Yâjñavalkya, Verse 54.

This verse is for the purpose of ordaining payment by the sons of the surety for payment only; and thus there is no repetition, so **Kâtyâyana**[3]: "A surety obligation is never to be paid by the grandsons; by the son even an equal amount is to be paid, in all cases of a paternal debt". (54).

Where there are more sureties than one, (a question would arise) how should the debt be paid? So the Author says

Yâjñavalkya, Verse 55.

When there are more sureties than one, they should pay an amount proportionate to their shares. But when they are bound jointly and severally, they may pay according to the choice of the Creditor.

Mode of payment of debt when there are several sureties.

Mitâksharâ:—If in one transaction, there are two or **bahavo**, *more sureties*, then they should divide the debt and (each) should pay proportionately to the share (of each). **Ekachhâyâs'riteshu,** *when sureties are bound jointly and severally* the (*Chhâyâ*) image *i. e.* the resemblance of one *i. e.* of the debtor. (Those) whose liability is determined by it are known as *sureties bound jointly and severally.* As the debtor stands liable for paying the whole amount, so also are the sureties for payment bound jointly and severally to pay the entire amount.

In this way when there are sureties for appearance or by assurance, as also those who are bound severally they should pay

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1. 'विना पितृधनात्' is another reading—which would mean 'even when the son has not received assets from the father.'

2. *i. e.* the mention of the surety for appearance includes the surety by assurance.

3. Verse, 561.

according to the choice, **yathâkâmam,** *i. e.* according to the wish of the **dhanikaḥ,** *i. e. the creditor.* And hence, whomsoever the creditor asks, having regard to his wealth &c., that one should pay the whole amount and not a portion.

Of those who are severally bound, if any one has gone abroad and his son is near, then he should be made to pay the whole according to the option of the creditor. When, however, he is dead, his son should be made to pay to the extent of his father's share without interest. As says **Kâtyâyana**[1]: "Of sureties jointly and severally bound, any one who is available may be made to pay. In his absence abroad his son should be made to pay the whole. But if he be dead, his son should be made to pay equal to the share of the father."

S'ûlapâni.

Yâjñavalkya, Verse 55.

In regard to a debt, where the sureties are limited by portions, there in the absence of the debtor, they should pay the portion of each his own.

When sureties are bound as responsible for the debtor singly, the creditor may, at his option, recover the entire debt from one surety alone (55).

Having stated the law relating to the payment of debts under a contract of suretyship, the Author states the law as to the recovery of the amount paid by the surety

Yâjñavalkya, Verse 56.

For a debt which a surety has been made to pay publicly to the creditor, double that amount becomes repayable to him by the debtors.

Debtors should pay double to the surety.

Mitâksharâ :—The amount *which,* **yad,** the *surety* **pratibhûḥ,** or his son being harassed by the creditor, is *publicly,* **prakâs'am,** *i. e.* in the presence of all the people, *made to pay,* **dâpito**; to the *creditor,* **dhanino**; by the king, and not which he has made voluntarily by going to him out of a craving for a double amount. As says **Nârada**[2]: "What-

1. Verse, 538. 2. Ch. I. 121.

ever amount the surety shall pay when harassed by the creditor, the debtor shall pay double the amount to the surety"; **ṛnikaiḥ**, *i. e. by the debtors*; **tasya**, of him, *i. e.* of the surety ; **dwiguṇam**, *a double*, **pratidâtavyam**, *becomes repayable.* That, moreover, should be paid forthwith without waiting for any particular time, because that is the force of the text. This, moreover, has a reference to money (only).

An objection

It may be said that this text[1] regarding sureties lays down a rule as to the double (payment)[2] only. And this rule is deducible even without prejudice to the one previously[3] laid down *i. e.* (about the increase) which indicates the (several) periods of time. Just as the rule[4] regarding the performance of the ritual for the birth (of a

1. *i. e.* Yâjñ. II. 56.

2. And not that the double is payable at once.

3. *i. e.* Yâjñ. II. 37-39.

4. The *Jâteshṭi Nyâya* (जातेष्टिन्याय) is mentioned by Jaimini in Sutras 38-39 of the third *Pâda* of the fourth *Adhyâya*. The discussion in this *Nyâya* turns upon the question whether the जातेष्टि (Jâteshṭi) should be performed before or after the जातकर्म (Jâtakarma).—The पूर्वपक्ष maintains that it should be performed immediately after the birth of the child, but the सिद्धान्तिन् says it should be after the जातकर्म, and the conclusion is to the same effect.

The relevancy of this discussion here will be seen thus: The जातेष्टिन्याय lays down in substance the general rule of interpretation that where there are two rules and they refer to the same subject-matter, they should be so interpreted and applied as to avoid as far as possible the fault of *incongruity* (see for a fuller discussion the सुबोधिनी Text p. 32 & Trants. pp. 76-80 and बालंभट्टी on verse 56). In the present case the application of the न्याय is invoked in this way by the पूर्वपक्ष (objector). Yâjñavalkya in verse 37 lays down the rule about the periods of time when interest is allowed to accumulate. In the present verse (*i. e.* 56) the rule laid down is that a surety who is compelled to pay is entitled to a double. Therefore the suggestion in the पूर्वपक्ष is that the rule in verse 56 should be taken as subject to or *without prejudice* (अबाध) to that in verses 38 and 39, so that the double that the surety is entitled is not payable *at once* but subject to the conditions laid down in verses 38 and 39. This position has been refuted by the सिद्धान्तिन् and the conclusion arrived at is that the double that is due payable to the surety under this verse is payable *at once* (सद्य एव द्विगुणं दातव्यम्). Note the following extract from the *Subodhini.* प्रकृते त्वेवमुपयोगः । यथा शुद्धकालरूपं अबाधित्वैव जातेष्टिविधानं, तथा 'अशीतिभागो वृद्धिः स्यात्' इत्यादिना पूर्वोक्तो यः कालक्रमेण वृद्धिक्रमः तमबाधित्वैव द्वैगुण्यविधानम् । अतश्च न सद्यो द्वैगुण्यमेति । and there he states conclusion अतश्च पूर्वमप्राप्तं यत्सद्यो द्वैगुण्यं तदेवावश्यं विधेयम् । (P. 32 a l. 15. Eng. Trs. p. 78 l. 28 and p. l. 15.

child) is (understood as being) laid down (to be) without prejudice to the rule about (the period of) impurity. Moreover, if it (*i. e.* the rule) is understood as laying down an immediate increased payment,

* PAGE 38.

it being impossible for an immediate (increase) *i. e.* a calf in the case of the female of a beast, it carries us to the payment of the original principal alone.

The answer

(To this the answer is) This is wrong. The present text would be meaningless if it is understood as laying down a rule as to the doubling only (of the principal), since the rule as to the doubling (for the principal) by regard to the periods of time has already been established by the text[1]: "Of cloth, grain and gold the utmost increase is fourfold, threefold, and twofold." As for the female of a beast, even under the rule of increase by lapse of time, if there is no progeny, the beast alone is to be returned. Moreover, even when some time after the payment of the amount the surety comes to an agreement with the debtor, it is possible to have the progeny then, or he may return the female beast along with the progeny already born before. So there is no force in this objection.

Again, a surety-debt[2] is a debt, which is incurred voluntarily, and the payment made by the surety is therefore necessarily a voluntary payment. And there is no interest allowed for a voluntary payment before a demand. As has been said:[3] "A friendly loan does not carry interest when no demand is made. If it remains unpaid on being demanded, it carries interest at five per cent." Therefore this text lays down that this debt which originates in a voluntary payment (by the surety) even though undemanded[4] would

1. Yâjñ. II. 39 see above p. 769.

2. Here there is an attempt at a *pun* upon the word प्रीतिदत्त. The compound is to be solved as प्रीत्यै दत्तं—given for the pleasure of the payee and not (प्रीत्या) of the payer. The fallacy is best exposed by taking the original word प्रीतिदत्त as it is. In Sanskṛt it may mean "something given for pleasing another" or it may mean a friendly loan—as it is technically understood in the text cited from *Nârada*. The ground for the objection stated in the text, is supplied by the ambiguous middle प्रीतिदत्त.

3. By Nârada I. 109.

4. *i. e.* By the surety.

(at the most) increase in course of time as far as double, commencing from the day of the payment, is what is (intended to be) stated by this text.

This also is wrong. Such a conclusion cannot be drawn from this text. The only inference deducible is that a double should be repaid. Therefore, what has been said above is proper *viz.* that having regard to the force of the text the double should be repaid without regard to the rule as to the periods of time.

S'ûlapâṇi.

Yâjñavalkya, Verse 56.

Where the surety or his son has been compelled by the creditor to pay the amount, to him the debtors should pay double the amount.

By what time such double becomes payable, has been stated by Bṛhaspati[1] : " When a surety pays on a demand (an amount) which has been vouched for, after the lapse of three fortnights, that amount (the debtor) is bound to pay " (56).

The Author mentions exceptions to the rule as to a double payment to the surety which has been laid down (above) as a general rule

Yâjñavalkya, Verse 57.

Progeny in the case of female beasts, three-fold in the case of corn, four-fold in the case of cloth, and eightfold in the case of liquids[2].

Mitâksharâ :—Like the double, in the case of gold, the female beasts &c. should be caused to be returned with interest as declared above without regard to (the rule as to) time. As for the verse itself[3], it has already been explained. The purport is that whichever limit has been laid down as the highest (increment) for each particular thing, with that increase it should be paid at once by the debtor to the surety who has paid (the principal), and without waiting for any particular period.

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1. Ch. XI. 44.

2. *i. e.* are allowed to a surety who has paid the debt on account of the principal debtor.

3. *i. e.* of Yâjñ. v. 57.

When, however, a surety for appearance is unable, at the appointed time, to produce the debtor, then a three fortnight's time should be allowed to him for finding out the debtor Then if he produces him, he should be released[1], otherwise he should be made to pay the amount in dispute. *Vide* the text of Kâtyâyana[2]: "As for finding out an absconding debtor, time should be given to the extent of three fortnights as the farthest limit. If during that time the surety point him out, the surety should be absolved. If (however) the surety do not point him out after the lapse of the time (allowed), he should be made to pay the amount guaranteed. This is also the rule when he (*i. e.* the debtor[3]) is dead."

The same writer[4] has also laid down the rule prohibiting particular persons from becoming sureties: "Not the master, nor an enemy, nor one holding a power from the master ; nor one under restraint, nor a convict, nor even one (who is) of a doubtful character; nor also an heir, nor a friend, nor the resident student, nor one engaged on a commission from the king, nor also those persons who have entered the fourth[5] order, nor one who is not competent to pay (the amount to) the creditor and an equal amount to the king as a fine, nor one whose father is living, nor a wayward, nor one who is not (properly) known, should be accepted as a surety guaranteeing performance by himself". Sandigdhaḥ, *one of a doubtful character,* ABHIS'ASTAH, *i.e.* one upon whom hangs an accusation. Atyantavâsinaḥ *resident students, i. e.* students leading a celibate life and specially known as *Naishṭhika brahmachârinaḥ*[6].

Here ends the law as to sureties.

Viramitrodaya.

In regard to a transaction with surety, the Author states special rules.

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1. From his liability as a surety.
2. Verses, 532, 533.
3. See Bâlambhaṭṭi.
4. Kātyāyana Verses, 114, 115, 116.
5. *i. e.* the last of the four stages of life according to the Aryan law *viz.* ब्रह्मचर्य, गार्हस्थ्य, वानप्रस्थ and संन्यास. The life of a celibate, householder, hermit, and an ascetic.
6. See Yâjñ. I. 50 and Mitâksharā thereon pp. 792-794.

Yâjñavalkya, Verses 53, 54, 55, 56, 57.

Dâne, 'for payment, *i. e.* making payment himself, by recovering from the debtor and making over.

Moreover, Bṛhaspati[1] makes this clear: "Now, one says 'I will produce (this man)'; another says, 'He is a respectable man'; the third says, 'I will pay the debt'; and yet another says, 'I shall deliver the goods.' (40). The first two however, on a failure (by the debtor in his engagement) should be made to pay the amount advanced at the time; the last two also, on a breach of the engagement (by the debtor), and in their absence, their sons also. (41)".

He who says, 'I shall produce before you the man proceeded against' he is one kind of surety. In this way is to be connected further on also. 'I shall pay', so says another; thus is it to be connected. In the expression *Âdyau tu* 'the first two, however', by the use of the word *tu*, 'however', it has been indicated that of the first two kinds of sureties, sons must not be made liable to pay. 'On a failure', *i. e.*, when there occurs a discrepancy in the matter of the appearance or the goodness vouched for, the sons also shall be compelled to pay. This construction follows from the consequential change in the case inflexion. By the use of the word *api*, 'also' are included the sureties for payment

The author of the Mitâkṣharâ says that the Author further expounds what had already been stated before. As a matter of fact, however, the rule stated in the first[2] verse relates to sureties when living; the word *itarasya*, 'of the other', meaning of the one gone abroad, and for a surety who is dead, the rule is stated in the second verse, and thus there is no repetition. This is the principle.

Those who stood sureties for payment, their sons should pay; this is the construction.

Bahava iti. If there are several sureties then they should pay upon a non-payment by the debtor, such portion of the amount of the debt as is proportionate to the fraction agreed to by each. Where a particular fraction has been fixed by an arrangement, there the adjustment is to be made under the rule[3]: 'Equal shall be where no specification has been declared.' The word *bahavaḥ*, 'several' is indicative of more than one; therefore it should be noted that where there are two sureties, there also this arrangement holds.

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1. Ch. XI.—40, 41. 2. *i. e* Verse 53.

3. समं स्यादश्रुतित्वात् is the full statement of the rule. Where no portion has been expressly specified, there the shares shall be equal.

See Jaimini X. III. 53–54. This is the 13th *Adhikaraṇa* which has been stated thus:—

स विभागः समो नो वा विशेषाश्रवणात्समः । वैषम्यं स्याद्यथा यासमेवं तत्स्यात्समाख्यया ॥ २३ ॥

This maxim is illustrated in the *Pariśishṭa* to the *Pâraskara Gṛhya Sūtra*, where oblations to the several deities are prescribed—As no number is specified, one for each equally is the inference.

Among these sureties, *ekachhâyâśriteshu*, 'those who are bound jointly and severally', *dhanikasya*, 'of the creditor', *yathâruchi*, 'according to (his) option', in accordance as he desires, *dadyuḥ*, 'should pay'. *Ekachhâyâ*, 'one image', *i. e.* having one entity in the matter of the payment of the entire debt, under an agreement with the creditor insisting thus: 'I shall recover from any one I choose', and accepted by the sureties. In this form, by the sons of the sureties also who could be pursued for the payment, must be paid what their father was liable to pay, but without interest; this has been stated before. (55).

The Author mentions the rule regarding repayment by the debtor of the amount paid by the surety, *pratibhûrdâpita iti*, 'which a surety has been made to pay &c.', that amount, which the 'surety', *pratibhûḥ*, *prakâśam*, 'publicly', *i. e.* in the presence of witnesses, by the king and the like, has been compelled to pay in regard to the creditors, that becomes payable in double quantity by the debtors to the sureties. This, moreover, is to be observed at the time proper for the increase by double. (56).

The interest is to begin to run three weeks after the payment made by the sureties, vide this text of Bṛhaspati[1]: "One who being under a surety obligation, pays when pressed as a surety (by the creditor), after three fortnights, that amount he is entitled to receive in double". So also any other amount spent by the surety in connection with the suretyship, must be paid by the debtor, as says Kâtyâyana[2]: "Whatever has been paid by one on account of another, when pressed by the creditor, and proved by witnesses, that amount the surety should recover".

Of the rule stated above as to the doubling, the Author mentions an exception: *Sasantatiḥ*[3], 'together with the progeny'. A woman, and a beast together make the compound word 'females and beasts'; that given by the surety together with the progeny viz at the time of the transfer, as much progeny is born, along with that the debtor should pay to the surety. This is the meaning. The word progeny is also indicative by implication of labour according to the usage of the time.

In the Mitâksharâ the reading is *santatiḥ stripaśushweva*, 'progeny itself in the case of female beasts'. Its meaning is, that in the case of female beasts, the progeny is interest which was agreed to between the debtor and the creditor, that should be made over to the surety by the debtor.

1. Ch. XI. 44, 2. Verse, 540.

3. *Mitramiśra* and Śulapâni read ससन्तति स्त्रीपशव्यं for सन्ततिः स्त्रीपशुष्वेव in Verse 57.

Dhânyamiti, 'corn &c.', where, whichever is the highest interest, there that together with the amount of interest should be paid to the surety, is the collective sense. By the use of the word *eva*, 'only', is excluded the calculation of any more interest. By the use twice of the word *cha*, 'and also', are added five-fold in the case of corn only, and in the case of trifles (the rate of) increase is not stated here. (53–57).

S'ûlapâṇi.

To this, the Author mentions an exception

Yâjñavalkya, Verse 57.

A woman and a beast, make up (the compound) 'a woman and the beast'; debt in the form of these is 'women and beasts'. Where women slaves, or she-goats etc. have been recovered by the creditor from the surety, there, the surety should recover from the debtor, the women slaves, or the she-goats etc. together with the progeny also. Grain etc. as stated before. All other things at double. (57).

THE LAW OF PLEDGES.

In a loan transaction of money, the guarantee to be offered to to the creditor is two-fold *viz.* a surety and a pledge. As says **Nārada**[1]: "The guarantee to be offered to the creditor is two-fold; (*viz.*) a surety and a pledge." Of these (the law as to) surety has been dealt with. Now the pledge is being described. **Âdhi**, *pledge*, is that which is deposited *i. e.* hypothecated by the debtor with the creditor for the sake of (creating) confidence for the amount borrowed, (that) is an *Âdhi*. That moreover, is two-fold: **Kṛtakâlaḥ**, a pledge with a time-limit, and **Akṛtakâlaḥ**, a pledge with no time-limit. Each of these again is two-fold: A pledge for custody, and a pledge for use. As says **Nârada**[2]: "A pledge is that which is deposited and is known to be of two kinds; one for (the redemption of) which a time limit is fixed, and the (other) which is to be retained until payment". Again, it is said to be two-

The law of pledges.

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1 Ch. I. [illegible]7.

2. I. 124 Dr. Jolly translates thus: "That to which a title is given (*adhikriyate*) is called a pledge.

fold; a pledge for mere custody, and a pledge for enjoyment. 'At the period fixed' *i. e.* at the time of the loan itself. *e. g.* (with the word) at such and such a time *e.g.* at the illumination festival—this pledge is to be redeemed by me, otherwise it will become yours. At the time thus appointed (it is) to be taken away, *i. e.* to be taken near him-in other words-to be redeemed. *Deyam*, 'what is to be given', means (the act of) giving. 'Until payment.' *yâvaddeyam*, means without prejudice to the *Deyam*. *Udyatah*, means fixed *i. e.* appointed. *Yâvaddeyodyatah*, 'fixed until payment' means the time for which is the interval for the repayment of the borrowed amount, *i. e.* for which the time has not been fixed. For safe custody *i. e.* for being preserved.

Kinds of pledges.

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Yâjñavalkya, Verse 58

A pledge lapses if (it is) not redeemed by the time the principal amount is doubled; that with a time limit, (lapses) by (the lapse of) the time; a usufructuary pledge never lapses.

Mitâkṣharâ:—If, **yadi**, *i. e.* when, **dhane** *the amount*, lent becomes double in course of time with the addition of interest as fixed by himself, **na mokṣhyate**, (the pledge) *is not redeemed* by the debtor by the payment of money, then it lapses. *i. e.* the property of the debtor becomes the lender's own. **kâlakṛtaḥ**, *with a time-limit*. The word *kâla* has been placed first under the rule of grammar in *Ahitâgnyâdiṣhu*[1]—"in (the compounds) *Ahitâgni* and the like, the words formed by the past passive participial terminations may be placed optionally at the beginning or end." That, moreover, **nas'yet**, *will lapse*; **kale**, when the appointed *time* is reached, whether before or after it is doubled. **phalabhogyaḥ**, *usufructuary*, is that where the profits are to be enjoyed, (*e. g.*) field, garden &c. That, **na nasyati**, *does not lapse*, at any time. By the text; "At

Special rules about the pledge & its four kinds described *above*.

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1. Vyâkarana Sûtra 2-2-37 'आहिताग्न्यादिषु.'

the time fixed, that with a time-limit lapses" the lapse of both kinds of pledges limited in time- *viz.* for safe custody and for enjoyment has been laid down. The absence of a lapse of a pledge without a time-limit has been stated in the text: "a usufructuary pledge does not perish." Therefore by 'the rule of the remainder' the text *viz.*: "A pledge would lapse[1] &c." comes to be in reference to the pledge for safe custody, and not to one having a time-limit.

When a lapse occurs whether on account of the transgression of the rule of doubling or by the violation of the condition as to the time fixed (by the parties), a fourteen day's waiting time should be observed—*vide* the text of Bṛhaspati[2] *viz*: "When gold is doubled or the stipulated period has elapsed, the creditor becomes the owner of the pledge after waiting for twice-seven days. During this period the debtor may redeem the pledge by paying the amount".

It may be said 'it is improper to say that a pledge shall lapse' in the absence of circumstances such as gift, sale &c. which (would) cause a cessation of the debtor's ownership, as also in the absence of circumstances which would create the creditor's ownership, such as acceptance, purchase &c., and also because there would be a disagreement with the text of Manu[3]: *viz.* "Nor, moreover, can there be a transfer or sale of a pledge on account of length of time." *Kâlasaṃrodha*—'Accumulation on account of time'—(the pledge) standing over for a long time. On account of the *Kâlasaṃrodha* *i. e.* the debt remaining over for a long time, there *cannot be a transfer* (na nisargosti) of a pledge, *i e.* there cannot be hypothecation with another, *nor also a sale* (na cha vikrayaḥ) Thus from the prohibition against hypothecation or sale (of a pledge) an absence of ownership of the creditor is deduced. (To this) the answer is: Even the act of pledging itself is considered as a circumstance, although coupled with a contingent condition, creating the creditor's ownership. The acceptance of a pledge also is well known in the world as a circumstance, also coupled with a contingency, creating the creditor's ownership. So when the amount becomes doubled, and also when the appointed time has arrived, the right of paying

1. *i. e.* the first half of verse 58. 2. Ch. XI. 27.
3. Ch. VIII. 143.

the amount becomes entirely extinct, and therefore under the present text[1] there occurs an entire cessation of the debtor's right of ownership, and the ownership of the creditor becomes absolute. Nor, moreover, is there a conflict[1] with the text of Manu[2]. For, the text: "Nor, moreover, can there be a transfer or sale of a pledge on account of length of time" has been stated after introducing a pledge for enjoyment thus: "Nor, however, can he get interest on the loan when the pledge is for use". And there being a prohibition against hypothecation or sale in the case of a pledge for use and enjoyment, the creditor cannot acquire ownership. Here also it has been said, viz.: "one for enjoyment of profits does not lapse."

In the case of a pledge for custody, however, Manu[3] has stated (the rule) separately: "A pledge (for custody only) must not be used by force; (and) one (so) using it shall forfeit the interest." Here also it will be said hereafter[4]: "There shall be no interest if a pledge for safe custody is used." The text: "A pledge when doubled lapses" has been stated with reference to a pledge for custody. Thus everything is without a contradiction.

Viramitrodaya.

'Every month in the case of a pledge', so has been stated[5]; there in regard to pledges, the Author states special rules upto the end of the chapter

Yañjavalkya, Verse 58.

There, a pledge is of four kinds, as differentiated by the several element's of character, kind, time-limit, and form. So also Bṛhaspati[6]: "A pledge is termed *bandha*, and is declared to be of four sorts; movable or immovable; to be kept only, or to be used; to be released at any time, or limited as to time; stated in writing, or stipulated (orally) before witnesses". By reason of its being indicated as to its four-fold nature by regard to its character, etc., such as the four kinds such as movable, immovable, etc., and thus of four kinds. 'Stated in writing', *i.e.*, having an evidentiary support stronger than witnesses. Other texts,

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1. *i. e.* of Yâjñavalkya.
2. VIII. 143 *i. e.* the one referred to above.
3. Ch. VIII. 144.
4. Verse 59 further on.
5. Verse 37 above see p. 763, l. 26.
6. Ch. XI. 17.

however, are to be interpreted as not to contradict this; this is in short the import.

If after the principal amount has become doubled it is not redeemed by the debtor, then the right of the debtor lapses. *Kâlakṛtaḥ*, 'that with a time limit', *i.e.*, one for which a period has been fixed, *i.e.* 'if by such and such a date the pledge is not redeemed by me then it becomes your property by right of ownership', thus with a time limit agreed upon. A pledge to be used or for custody only of this sort; *Kâle*, 'at the time', *i.e.*, at the time fixed in that manner, upon the debtor not making the payment back of the debt, *naśyet*, 'shall lapse', *i.e.*, will be removed out of the ownership of the debtor. This is the meaning according to the **Mitâkṣharâ** and others.

The revered Author of the **Ratnâkara**, however, maintains that this text is to be differently interpreted: as in the case of transactions—such as regarding bronze, etc., where no agreement was made, there, without the consent of the debtor, dealing with the property as his own by the creditor is not seen generally. That interpretation is thus: where the debtor himself stipulates by a declaration thus, 'When the amount becomes doubled and I do not redeem the pledge, then this (pledged article) will indeed be yours', then after the amount has become doubled and no redemption has taken place, the right of the debtor becomes extinct. Here the reason is *Kâlakṛtaḥ*, 'with a time-limit'—where a time has been fixed at which one's ownership will become extinct and the right of ownership of the creditor will spring up—such a pledge becomes lapsed by the time fixed.

A pledge with possession for the enjoyment of the fruit, however, where no time is fixed, does not lapse even by thousand years. 'When it becomes double, it has to be redeemed by me' with such an agreement finally made where a pledge was deposited by the owner, *i.e.*, a pledge for custody, such a pledge, when the amount has become doubled and is not redeemed, lapses. Double is indicative of the highest limit of the increase.

A pledge for possession, however, although thus stipulated for, if it becomes doubled on account of depreciation or investment, does not lapse even if not redeemed. *Kâlakṛtaḥ*, 'with a time limit' *i.e.*, where a time limit has been made, such as, 'within such period if it is not redeemed, then it will be yours indeed', and the like stipulation, when not redeemed, the entire pledge lapses. Thus the clause 'when the amount is doubled' should be taken as stated. In the case of a conflict with the usage of the *S'iṣhṭâs*, however, it should be taken as

indicative by implication of a particular period of time. Such an interpretation, moreover, appears to be better.

In regard to the expression *praṇaśyet*, 'lapses', **Bṛhaspati**[1] states a special rule: "When the time (for payment) has passed, and interest has ceased, the creditor shall become the owner of the pledge; but before ten days have elapsed, the debtor is entitled to redeem it". **Vyâsa** also, "When gold has become doubled on account of the completion of the time in the stipulated period, the creditor becomes the owner of the pledge, after waiting, however, for two weeks." Here the decision is to be reached according as the debtor is well placed or is not well-placed. (58)

S'ûlapâṇi

Yâjñavalkya, Verse 58.

After the amount has become doubled if the pledge is not redeemed by the debtor, then it lapses *e. g.* it becomes the property of the person advancing the amount. If a period of time has been stipulated by himself, then when that is reached, it lapses. **Vyâsa** states a special rule: "After gold has become doubled, by the completion of the interval under the stipulated period, the creditor becomes the owner of the pledge, after waiting, however, for three weeks; during this interval, the debtor may redeem the pledge by paying the amount". (58),

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Yâjñavalkya, Verse 59.

There shall be no interest if a pledge for custody be used, or one for use be damaged. If a pledge is spoiled or destroyed it shall be paid, unless it be by the act of God or the King.

Mitâksharâ:-Moreover, **gopyâdheḥ**, *of a pledge for custody*, *e. g.* a copper pan, there shall be no interest in case of any use (made thereof). Although the use be slight, even a large (amount of) interest would be forfeited, as there is a breach of contract. So also, where the pledge is for possession and *use*, and the object of enjoyment, such as a bull or a copper pan, which is pledged with interest is damaged *i. e.* has been rendered unfit for (being dealt with in) any transaction, there is no interest. This is the context.

* Page 40.

1. Ch. XI. 25.

A pledge which has been *spoiled*, **nashtaḥ**, *i. e.*, has undergone deterioration *e. g.* a copper pot &c. on account of a hole or on account of its being broken &c. should be made as (it was) before and returned. Here a pledge for custody, if damaged, should be returned after it is restored to its former condition. And if it is used also, even the interest shall be forfeited.

A pledge for use if *spoiled* should be made as (it was) before and (then) returned. If it carries interest, the interest should be given up. When it is destroyed *i. e.*, has perished entirely, such a one also should be paid by paying the price. By paying it, he gets the amount with interest. When he does not pay then (even) the principal amount lapses. *Vide* the text of **Nārada**[1]:—"If it is destroyed, the principal lapses unless the loss is caused by fate or the king." Unless it be by fate (superior force) or the king; fate, Daivaṃ, *i. e.*, fire, water, and generally any misfortune &c. Unless it be without the loss caused by superior force and also by the king when it is without any fault on his part. In case where the destruction is caused by fate or the king, the original principal with interest or a fresh pledge should be given by the debtor. As is said: "When land is washed off by a stream, and also when it is taken away by the king, another pledge should be given, or the amount paid to the creditor." Here '*washed off by a stream*' is indicative of consequences of a *vis major*.

Viramitrodaya.

Yâjñavalkya, Verse 59.

Gopyâdheḥ, 'of a pledge for custody', such as copper, silver &c. *upabhoge*, on being used', even though very small, *vṛddhiḥ*, 'interest', although large, *no*, 'does not' accrue, by reason of the transgression of the contract. Similarly, *sopakâre*, 'in the case of one for use' *e.g.*, in the case of a cow &c., where the consideration takes the form of enjoyment and use, *tathâ hâpite*, 'is so damaged', *i. e.* has been rendered unfit for (being dealt with in) any transaction, for that pledge there would be no interest.

Nashto, 'spoiled', by being broken or otherwise, has become entirely unfit for (being used in) any transaction whatsoever, *vinashto*,

1. Ch. I. 126.

'destroyed entirely' *i.e.*, reduced to destruction—by the use of the word *cha*, 'also', carried away by thieves—by the creditor, the pledge, *deyaḥ* 'should be paid', to the debtor.

The expression 'excepting when it is due to a calamity caused by fate or the king' is connected with the words 'damaged' and all other expressions. Its import is—' due to the fault of the creditor'. By the use of the word *atha*, 'or', stated before the word 'damaged', the expression 'unless caused by fate or the king'. is severally connected with the two.

If, however, he does not give, then the principal amount becomes a forfeit, vide the text of Nârada[1]: "If it has been lost, the principal is forfeited, provided the loss was not caused by an unseen force or the king."

Where, however, as compared with the loan advanced, very valuable jewels, etc., had been pledged and is either damaged or destroyed, there, whatever in excess the value of the amount advanced may be, that the creditor should pay to the debtor; vide the text of Bṛhaspati[2]: "If on account of its being used, a pledge is rendered worthless, the principal (itself) is lost; if a very valuable pledge be spoiled, in that case he must satisfy the debtor", and also vide the text of Vyâsa: "Through the fault of the pawnee, if a pledge consisting of gold or the like be lost, the debt together with the interest is accounted for, and the creditor is compelled to pay the value of the pledge."

The text of Manu[3]: "The fool, who, without the permission of the owner puts the pledge to use, shall remit half the amount of interest as compensation for the use", is to be used in reference by pledge not for use of things like a slave and the like, where use is anticipated. In such a case, however, the loss ot the entire amount of interest has been stated by the Author, and thus there is no conflict. (59).

S'ûlapâṇi.

Yâjñavalkya, Verse 59.

A pledge for custody such as cloth, ornaments etc., or one for use, such as a cow etc. if rendered unfit for (being used in) any transaction, except in cases of superior force or the king; or where it is entirely destroyed or is completely deformed, should be restored to the pledgor as

1. Ch. I. 126. 2. Ch. XI. 20.
3. Ch. VIII. 151.

it was in the original. So **Bṛhaspati**[1]: "If a pledge be destroyed by a fatal accident or by an act of the king, the debtor shall be required either to deliver another pledge or to pay the debt" (59).

Yâjñavalkya, Verse 60.

The (contract of) pledge is established by the (proof of its) acceptance (by the creditor). If it suffers deterioration even when carefully kept, another must be substituted, or the creditor must receive the amount (due to him).

Proof of a Pledge.

Mitâksharâ :—Moreover, **âdheḥ**, *of a pledge, i. e.*, of the one for use as well as that for custody; **swîkaraṇât**, *by (the proof of its) acceptance, i. e.* use; **siddhiḥ**, *proof*, of its acceptance and not merely by witnesses, and writing, nor by (the proof of) mere intention. As says **Nârada**:[2] " Âdhi is said to be of two kinds, *viz.*, (of) movables as well as (of) immovables. Both of these will be deemed to be established if there is possession, not otherwise." And the result of this is: " In the case of a pledge, gift, or sale, proof of a prior transaction is however stronger[3]" *i. e.*, in transactions which have been completed by acceptance, evidence of a prior one is stronger, while the one in which there is no acceptance will not have force even though it be prior. And if such a pledge, even while it is being carefully protected in course of time, suffers **asâratâm**, *deterioration, i. e.* becomes insufficient (as a security) for (the payment of) the original principal and interest even though not changed (in form), then either another pledge should be offered, or the amount of the debt be paid to the creditor.

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1. Ch. XI. 21. Here apparently this text is cited in amplification of the exception to indicate the procedure where the loss or deterioration takes place under an act of God or of the king, thus pointing to the *debtor's* liability to replace *the pledge* and not the *creditor's* duty, which is the principal point in the rule stressed in the above verse of Yâjñavalkya.

2. See Yâjñ. II. 23 above. p. 718 above.
दैवराजकृताद्दते—excepting *fate* or an order of the king.
दैव—is any unseen superior force difficult to withstand or counter with असह्य—states as an illustration—'carried away by thieves'; Dr. Jolly translates it as 'fate'. *cf.* Narada Ch. I. 126.

3. Ch. I. 139.

By saying "deterioration even though carefully kept" it has been indicated that the pledge should be carefully kept by the creditor.

Viramitrodaya.

Yâjñavalkaya, Verse 60.

A'dheh, 'of a pledge', *swikaraṇât*, 'by the acceptance', such as of a pledge for custody by delivering it over, and of a pledge for use, by enjoyment, *siddiḥ*, 'is the establishment', and not merely by the writing and other means, vide the text of Nârada[1]: "A pledge, however, has been declared to be of two kinds, viz., (of) movables as well as (of) immovables. Both of these will be deemed to be established if there is possession, not otherwise."

By this, in the text[2]: "In the case of a pledge, a gift, or a sale, etc., the prior alone has preponderance". Proof of possession is stronger, and the conclusion that is deduced is that a prior one without possession, however, although prior is not stronger.

Such a pledge, however, *rakshyamâṇopi*, 'even while carefully protected', if it suffers deterioration in course of time, then another pledge should be placed by the debtor, or the amount of the debt should be paid to the creditor. The word *Api*, 'even', has the sense of opposition. In the case of the cow and the like, if it be lost, by a fatal accident, the principal becomes lost. Here also the usage of the caste alone is the authority. (61),

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S'ûlapâṇi.

Yâjñavalkya, Verse 60.

Ädheḥ 'of a pledge' *siddhiḥ*, 'the establishment,' is by the acceptance *i. e.* by possession and not by mere intention. So Vyâsa[3]: "A pledge is said to be of two kinds viz: (of) movables as well as (of) immovables. Both of these shall be deemed to be established if there is possession, not otherwise" (60).

The Author mentions an exception to the rule[4] "A pledge lapses if doubled &c."

1. Ch. I. 139.
2. Yâjñ. II. 23. See above p. 718
3. The same verse is assigned to Nârada, where it is found at Ch. I. 139.
4. Yâjñ. II. 58 (above).

Yâjñavalkya, Verse 61.

In the case of a debt contracted on a Charitra pledge, the amont must be paid with interest, and in the case of a debt contracted on a chattel delivered as an earnest, he shall pay twofold.

Exception to the rule that 'a pledge lapses when the debt is doubled.'

Mitâkṣharâ :—Charitram, *conduct i. e.* good conduct. Pledge by a *charitra* is a *Charitra* pledge. Upon (the strength of) that whatever amount has been borrowed and kept for self or given to another. This is the purport. Relying upon the good faith of the creditor where a thing, even though very valuable, has been made over by the debtor to the creditor, and only a small amount is borrowed, or, where, relying upon the good faith of the debtor, the creditor has advanced a large amount to the debtor even after taking a pledge of a small value, that amount the king should cause to be paid with interest. The purport is this: A pledge of this sort does not lapse even though the amount is doubled, on the other hand the amount only should be paid (to the extent of the) double.

Similarly, **satyankārakṛtam.** *Kâra* (an act) is the same thing as) *Karaṇa* (making)[1]. The affix *Ghañ* (घञ्) is used here to denote action. (भाव *Bhāva*). The making of truth is *Satyankâraḥ.* The augment मुम् (*mum*) is used under the rule of grammar (6–3, 70) "मुम् is the augment of सत्य and अगद् when the word कार follows." That which is made by means of a *Satyankâra* is a *Satyankârakṛta.* This is the meaning intended. When even at the time of offering the pledge itself it was agreed thus *viz.* "even when the debt is doubled, I am to pay the double amount only, and the pledge is not to lapse" then the double should be caused to be paid.

*Page 41.

Another meaning (is this): Where *Charitra* itself is the pledge it is called a *charitra-bandhaka.* By the word *Charitra*

1. *i. e.* the कार which is the expression of action, is used in the abstract sense. कार is the same as करण.

is expressed that unseen[1] virtue known as *apûrva*, which is born of a bath in the Ganges or of (the performance of) the *Agnihotra*[2].

Where that (*i. e.* the *Charitra*) itself is pledged and money is received, then the doubled amount itself is to be returned, but there is no lapse of the pledge.

While discussing the pledge, another (kind of loan) is being described, satyankârakṛtamiti. Whatever a thing, such as a ring &c. has been placed in the hands of another with a view to complete the agreement of sale and purchase, the double of that thing should be paid if the agreement is broken. Even there, if the person by whom the ring &c. is deposited himself breaks the contract, he should give the thing itself. If the other party commits a breach of the contract, then a double of the ring &c. itself should be returned.

Viramitrodaya

Yâjñavalkya, Verse 61.

Charitreṇa, 'by *charitra*,' by good conduct, *bandhakam kṛtam*, 'taken as a pledge', *i.e.*, by the creditor accepted to himself a thing of great value, or of a value less than the loan, there the king or the like should compel the debtor to pay the amount together with interest. When the amount becomes doubled, the pledge lapses.

Charitra, *i e.*, religious merit, where has been made (the subject of) a pledge, there the obligation as a debt, of the religious merit does not become extinct, but the money must be caused to be paid together with the interest. This is the meaning.

Satyankâro—"even when the amount has doubled itself, the pledge will not become yours, but on the other hand I am liable to pay the doubled amount itself"—under such an agreement when an article is

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1. Mark this term. अपूर्व is sometimes expressed as अदृष्ट. It is that unseen virtue which is a relation superinduced, not before possessed, unseen but efficacious to connect the consequence with its past and remote cause and to bring about at a distant period or in another world the relative effect. All the Vedic injunctions laying down the performance of ceremonies and rituals which do not bear any direct tangible fruit derive force from their capacity to create this अपूर्व.

2. अग्निहोत्र is the initiation and maintenance of the sacred fire by offering oblations to it. This is of two kinds: नित्य-ordinary, and काम्य-occasional.

pledged; *Dwigunam pratidâpayet*, 'he must be made to pay the double'; *i.e.*, otherwise the pledge lapses. The **Sâmpradâyikas**, however, construe it that this has been stated by the Author in regard to a position which arises when for the purpose of facilitating the arrangement regarding a transaction of a gift or a sale, an article such as a ring &c. has been made over into the hands of the seller, and the seller has exceeded the limits of the arrangement, he should pay to the buyer the double. If, however, the transgression is made by the buyer himself, then he also should pay double the amount to the seller. (61)

S'ûlapâni

Yâjñavalkya, Verse 61.

Chāritryam, 'religious merit', such as the maintenance of the perpetual fire *agnihotra*, a bath in the Ganges etc.—by pledging that itself what has been borrowed, that must be paid back with interest.

Where a pledge of small value with the undertaking "Truly I shall redeem this " has been given, that in the long period is to be paid back double, and must not be sold by the creditor. This is the meaning.

Charitrabandham is the reading by **Vis'varûpa** (61).

Yâjñavalkya, Verse 62.

A pledge should be restored to the debtor when he comes to redeem it, otherwise the creditor would be (liable as) a thief. If the creditor be not available, the debtor may pay the amount to (a member of) his family and take back his pledge.

Redemption of a pledge.

Mitâksharā:—Moreover, **upasthitasya**, *of one who has come* for redeeming his pledge by paying the amount, **âdhirmoktawyaḥ**, *the pledge should be restored*, by the creditor, and it should not be detained out of a greed for interest. **Anyathâ**, *otherwise*, *i. e.* if it is not restored, being just in the position of **stenaḥ**, *a thief*, he would be punishable like a thief. When, however, the creditor is absent, after placing the **dhanam**, *amount*, together with interest **kule**, *in the family*, *i. e.*, in the hands of his relatives, the debtor should take back his own pledge.

S'ûlapâṇi.

Yâjñavalkya, Verse 62.

To a debtor who has come to redeem the pledge, after taking the amount together with interest the creditor should release the pledge; otherwise he would be regarded as a thief.

If the person who had accepted the pledge be not available, the amount should be placed *i. e.* deposited in his family, and he should get back the pledge. (62).

If, however, the creditor be absent and there are no relatives of his (who are ready) to take the amount, or when the creditor is absent and the debtor wishes to pay the amount by selling the pledge, then (the question would be) what should be done? (Anticipating this) the Author says

Yâjñavalkya, Verse 63 (1).

Or appraised at its value at that time the pledge will remain there without interest.

Mitâkṣharâ :—**Tatkâleti**, after *ascertaining the value* which the pledge had *at that time*, he may deposit the pledge even **tatra**, *there*, *i. e.* with the creditor, without interest; it does not carry interest thereafter, till the creditor restores the pledge after taking the amount or cause to be paid to the debtor an amount equal to its value.

When it was settled at the time of (advancing) the loan that 'even if the debt were doubled, a double amount only should be taken, and the pledge should not lapse', then when the debt is doubled and the debtor is not near (the question would be) what should the creditor do? Anticipating this, the Author says

Yâjñavalkya, Verse 63 (2).

(Or the creditor) may sell (the pledge) in the presence of witnesses even without (the presence of) the debtor.

Mitâkṣharâ :—**dhâraṇikât vinâ**, *without the debtor*, *i. e.* when the debtor is not present, the creditor should recover the

amount after **vikriya**, *selling* the pledge in the presence of witnesses and also of his relatives.

The word **wâ**, *or*, is intended to lay down the rule of distribution in the optional[1] case that would arise. It is in this way: When it has not been agreed at the time of (advancing) the loan that 'even if the debt were doubled, the amount only should be taken and the pledge should not lapse,' then under the text[2] 'a pledge shall lapse when doubled &c.' the pledge shall lapse. In the case of (an express) contract, however, the rule laid down here (should be followed).

Viramitrodaya.

Yâjñavalkya, Verses 62 & 63

To a debtor who has come for paying off the amount and redeem the pledge *Âdhiḥ*, 'the pledge', *moktavyaḥ*, 'should be released', by the creditor, to the debtor, *anyathâ*, otherwise, through covetousness for interest, if it is not released, the creditor, is *stenaḥ* 'a thief', *i.e.*, becomes liable to be punished like a thief. This rule as to obstructive non-release is to be understood as he has the power[3]. The general exception *viz.* "unless it is caused by superior force or the king' holds everywhere where it is fit to be applied.

Prayojake, 'the creditor' *i.e.*, the one who advanced the loan, *asati*, 'be not available', *i.e.*, be dead, or has gone abroad, or has become an ascetic; *kule*, 'in the family', *i.e.*, among those who are entitled to take the assets of the creditor, in the order commencing with 'the sons and the rest', *dhanam*, 'the amount', together with interest, *nyasya*, 'having taken', *i.e.*, having deposited, his own 'pledge he should get back', *âdhim âpnuyat*. (62).

If, however, there is none whatsoever competent to take the assets of the creditor who has gone abroad, then as evaluated at that time, the pledge shall remain *tatra*, 'there', *i.e.*, in the house of the creditor advancing the loan, without (carrying) interest. The meaning is, that when the money is not accepted owing to the fault of the creditor, after that time interest will not run.

Dhâraṇako, 'the debtor', at the time fixed for the redemption of the pledge, is not near at hand, then the creditor, should sell the pledge

1. See note 4 on pp. 708–709 above. 2. Verse, 58.

3. *i. e.* it applies when the creditor taking advantage of his position to dictate refuses the delivery back,

in the presence of witnesses. The rule is, that in such a case after taking (back) his own amount, the balance he should deliver over to the king. By the use of the word *api*, 'even', are included those who are entitled to the estate of the debtor. (62, 63).

S'ûlapâṇi.

Yâjñavalkya, Verse 63.

If the pledge is, on any account, not given (back) to the debtor, then being assessed for its value at that time, it shall remain at that, at the house of the taker of the pledge.

When however, *dhâraṇako*, 'the creator of the pledge' is not available, then after selling it, the creditor may take his own amount, and pass over (the remainder) to the king. (63)

Yâjñavalkya, Verse 64.

When, however, a debt under a transaction of pledge has become doubled (by the accumulation of interest), then the pledge shall be returned after double the principal amount has been received (by the creditor) from the profits.

The Author mentions a special case of a usufructuary pledge.

Mitâksharâ :—Yadâ, *when*, the amount advanced, dwigunibhûtam, *has become doubled*, tadâ, *then*, tadutpanne, *from the profit, i.e.*, from the receipts derived from the pledge, tadâdhau, *after the pledge* was made and when dwiguṇe, *a double*, has been pravishṭe, *received*, by the creditor, the pledge should be restored by the creditor. Or if the debt has become doubled without possession (being transferred) either on account of an agreement at the beginning that 'when the pledge is delivered and the debt has been doubled you should restore the pledge', or on account of some other reason the amount has become doubled, then, after the pledge has been made over to the creditor for enjoyment, it should be restored when the profits recovered from it make up the doubled amount. If more be enjoyed, that too should be restored. This text is intended to lay down the rule that a pledge is to be enjoyed only for paying

off entirely the original loan together with interest. It is called in popular language a **kṣhayâdhi,** a pledge where the liability is diminished.[1]

Where, however, it was agreed that possession of the pledge was intended only for (securing) the interest, there even if the amount has increased more than the double, the pledge will be used only until the payment of the original loan. This very thing has been made clear by **Bṛhaspati** : "The debtor shall get back the usufrucuary pledge the time for which has been matured or after paying off the principal amount ; if it has exceeded, then the creditor does not get the amount The debtor also will not get back the pledge except with mutual consent." The meaning of this text is this: That wherein the profits are to be enjoyed is called a usufructuory mortgage or pledge. That moreover is twofold, that which is intended to pay off the original principal together with the interest, and the one to pay off interest simply. Of these also, in the case of a mortgage which is intended to pay off the original principal and the interest, the debtor shall get back the pledge when the *time for* (payment of) *it becomes matured* (*Pùrṇakālam*), *i.e.*, when the original amount together with the principal has been received by the creditor, then the debtor shall get back the pledge. In the case of the pledge which is intended for reduction of the interest only, the debtor shall get it back after paying off the principal amount. *Sâmaka* is the same as *sama* (equal), *i.e.*, equal to the original principal. The (same) Author mentions an exception to this : 'if it has exceeded without mutual consent'. *It, i.e.* the pledge, *has exceeded, i.e.* has transgressed the limit, *i.e.* if the profits have exceeded even the interest, *then the creditor will not get the amount.* The creditor does not get the principal amount, *i.e* the debtor shall get back the pledge even without paying the original amount advanced. If, however, the pledge has not been exceeded, and is even insufficient for (paying off) the interest, then even after paying off the principal, the debtor will not get back the pledge, but will get it only after paying away the balance of interest. Again the (same)

* Page 42.

1. Cf. the *Mortuum vadium* of English Equity.

Author mentions an exception to both these rules. The text 'if it has exceeded, &c.' has been mentioned as applying in the absence of a mutual agreement between the creditor and the debtor. With mutual consent, however, even if the pledge be exceeded, the creditor may enjoy it until the original principal is paid, and also (on the other hand) even if it be insufficient, the debtor gets it back by the payment of the original principal only.

Here ends the Chapter on the Recovery of Debts.

Viramitrodaya

The Author states a special rule in the case of a pledge with possession.

Yâjñavalkya, Verse 64.

If *Ṛṇam âdhau*, 'a debt under a pledge', on account of enjoyment, *dwiguṇibhûtam*, 'has become doubled', then when the amount so doubled has passed to him, the pledge should be released by the creditor. This is the meaning.

This is what is called a *Kṣhayâdhi* 'a self-effacing pledge.' This, moreover, would be so when it has been so agreed upon by the creditor, as it is based on the same principle as the text of Viṣhnu[1] *viz.*: "Even if the maximum amount of interest is paid, the mortgaged article, if it is immovable (shall not be returned), unless there be an agreement to that effect."

One who is afraid of an illegality, should release the pledge; vide this text of Bṛhaspati[2]: "Where the use of a pledge (is continued) after twice the principal has been realised, (receipt) of the compound interest and the exaction of the principal and interest, that is (called) usury, and is reprehensible."

It is also said that except under a special agreement it does not carry interest. (64)

Here ends, in the commentary on Yâjñavalkya,

The Chapter on the Recovery of Debts.

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1. Ch. VI. 7. 2. Ch. XI. 12.

S'ûlapâṇi.

Yâjñavalkya, Verse 64.

"When the profits of this reach double the quantity of the amount, my pledge is to be released", thus saying when a pledge is offered, then when from its income double the amount (advanced) has been realized, then the pledge is to be released and not to be enjoyed. (64)

Chapter IV.

THE LAW OF DEPOSITS.

Yâjñavalkya, Verse 65.

Property which being placed in a box is delivered into the hands of another without being described, is called a deposit; (and it) should be returned in the same condition (in which it was when delivered).

Upanidhi described.

Mitâkṣharâ :—A thing which holds the things deposited, being different from it, is a **Vâsana,** *box,* a receptacle, *e.g.,* a *Karaṇḍa,* &c. **dravyaṃ;** *property,* **wâsanastha,** *which is placed in it,* the particulars as to the quality and the quantity of which **anâkhyâya,** is *without being described i. e.* mentioned, and (after it is) sealed, **arpyate,** *is delivered,* in confidence for safe preservation, **anyasya haste,** *in the hand of another,* that property is called, **aupanidhikam,** *deposited property.* As says **Nârada:** "That (property) which being under a seal is deposited without being counted or known, should be known as an **upanidhi;** while it is known as **nikṣhepa** where it is counted."

Pratideyaṃ tathaiva tat, *should be returned in the same condition.* The person with whom it has been deposited, should return *i.e.* restore it back to the depositor in the same condition in which it was delivered bearing the seals as before.

S'ûlapāṇi

Yâjñavalkya, Verse 65.

Vâsanam, 'a receptacle' to hold the deposit, such as a casket etc.; placed there without detailing its form, number etc.; what is deposited in another's hand, that is *aupanidhikam*, 'deposited property'. That, *tathaiva*, 'as it was', *i. e.* marked with the seals etc. should be returned. (65)

The author mentions an exception to the rule as to restoration

Yâjñavalkya, Verse 66 (1).

That, however, which has been carried away by (an act of) the king, Providence, or thieves shall not be caused to be restored.

An exception to the rule as to restoration of an upanidhi.

Mitâkṣharâ :—**Tam,** *that*, deposit, which was carried away **râjñâ daivena,** by (an act of) *the king or by Providence e. g.* by floods &c. or by *thieves*, **taskaraiḥ**, and has (thus) perished, **na dāpyaḥ**, *he shall not*[1] *be compelled to restore*. Of him with whom it was deposited, *viz.* the creditor, the property lost being that of the real owner[2] himself, provided it (*i. e.* the loss) was not brought about[3] by fraud. As says **Nârada**[4] :—"If a deposit is lost, together with the property of the depositary, the loss shall be the depositor's. The same rule shall obtain, if the loss has been caused by fate or by the king, unless the depositary should have acted fraudulently."

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1. See also Kâtyâyana Verse 594.

2. The word *Dhanin* (धनिन्) here stands for the debtor who is the real owner of the thing deposited. The meaning is that if a loss takes place under the conditions specified the loss is that of the depositor and not of the depositee. Cf. s. 153 of the Indian Contract Act.

3. Mark the expression—जिह्मकारितम्. If it were the object of the Author simply to indicate direct fraud on the part of the bailee the expression जिह्मकृतम् would have sufficed. But the suffix कारितम् is purposely used with a view to cover the case not only of direct fraud but of any fraud whether direct or indirect to which the creditor was a privy.

4. Ch. II. 9.

The Authour mentions an exception to the above rule

Yâjñavalkya, Verse 66 (2).

When, however, the loss occurs after demand and non-payment[1] the depositary should be fined and compelled to pay an (amount) equal (to the deposit).

Mitâkṣharâ :—When, **márgite,** *demanded,* by the owner if he do not pay, then after that time, even if **bhreṣho,** *the loss, i. e.* the destruction occurs on account of the king &c., the bailee should be made to pay to the owner the amount as determined by (the value of) the original, as also to the king an equal fine.

* PAGE 43.

S'ûlapâṇi. 66.

Yâjñavalkya, Verse 66.

If, when demanded and not delivered, its *bhreṣho*, 'loss', *i. e.* destruction, takes place, then he should be made to pay, and also a fine the king should take for himself. If it is lost owing to the fault of the depositor of the bailment, then he himself must pay, as says **Kâtyâyana**[2]: "By whosesoever fault is the property lost or is taken away, he must be compelled to make good that amount together with interest, excepting when caused by fate or the king." (66).

The Author mentions a penalty for (wrongful) appropriation.

Yâjñavalkya, Verse 67 (1).

If he, (i. e. the bailee) of his own will,[3] makes a living, he shall be punished, and also made to pay it with the increase.

Mitâkṣharâ :—He who, **swechchayâ,** *of his own will i. e.* without the permission of the owner,[4] **ájīvati,** *makes a living i. e.*

1. At p. 42. l. 30 दत्ते is a misprint. It should be अदत्ते—ऽदत्ते.
2. Verse, 594.
3. 'In Roman law the use of a thing deposited without the consent of the owner constituted *furtum* (See Justinian Bk. IV. I. 6.). In English law such use would not be larceny without the intent to deprive altogether the owner of his property in the deposit.
4. *i. e.* without the consent or permission of the bailor.

appropriates or deals with it by lending (at interest) with a view to (make) a profit (out of) the money[1] deposited, should be fined having regard to the extent of the appropriation and also of the profit (made by him); and he should also **dāpyaḥ**, *be made to restore*, the deposit **sodayam**, *together with the increase, i.e.* in the case of an appropriation, together with interest, and in the case of a loan advanced, together with the gains realised (in the transaction). The (special) rule of interest (in such cases) has been stated by **Kātyāyana**[2], : "A deposit, the balance of interest, (an article) sold, and (the price of) a thing purchased, if not paid on demand shall bear interest at five per cent." This rule moreover, is to be observed where there has been (complete) appropriation. In case, however, where it is lost on account of neglect or ignorance, the same (Author) has mentioned[3] a special rule *viz.*:—"Where the deposit has been appropriated and used up, he should be made to pay (it back together) with interast and an equal amount if neglected ; where it (the deposit) has been lost on account of ignorance, he should be made to pay a little less." 'Little less' *Kinchinnyûnam i. e.* less by a fourth part.

The Author extends the rule regarding a deposit, to the cases of *Yâchita* &c.

Yâjñavalkya, Verse 67 (2).

The same law applies in the cases of Yâchita, Anvâhita, Nyâsa, Nikshepa, and (such) other kinds (of deposits).

Mitâksharâ:—When, on festive occasions such as a marriage &c. clothes, ornaments &c. are begged for and taken away it is (called) a **Yāchitaṃ**.[4] Where a thing is placed in the hands of one, and by him also has thereafter (*anu*) *i. e.* afterwards further on, been placed in the hands of another with (the direction): "(Please) give it to the owner" it is (called) an **Anvâhitaṃ**. What is known as **Nyâsa** is a delivery to a member of the house in the absence of the owner and without[5] being shown to him, with (the direction) "this

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1. The original word is द्रव्यं it may also mean a thing.

2. Verse, 506. 3. Verse, 597.

4. Cf. the *Commodation* of the Roman Law.

5. There is a mistake in the print of the text on p. 43, l. 14. The correct reading is गृहस्वामिनेऽदर्शयित्वा and not गृहस्वामिने दर्शयित्वा *Nyâsa* is a secret deposit handed over to some member of the house in the absence of the owner.

is to be made over to the owner of the house." A delivery in his presence, however, is a **Nikshepa.**

By the (use of the) word **âdi**, *and others*, are included cases of a *deposit* **Nyasta** *e.g*, of gold &c. in the hands, of a goldsmith &c. for preparing a bracelet &c. as also of *mutual bailments*[1] as *e.g.* in cases where there occurs a need of each other with words "you should keep this mine, and I shall keep this yours," as says **Nârada**[2]: "The same law applies in the case of *Yāchita*, *Anvâhita* and other such deposits, articles made over to an artist, *Nyâsa*, and *Pratinyâsa* deposits." In the case of these *i. e.* the *Yāchita &c. this very rule i. e.* the rule in the case of a deposit, *viz.* of repayment &c., should be understood (as being applicable).

Here ends the Chapter on Deposits.

Viramitrodaya

In regard to *Nikshepa* or deposit, a title at law, the Author says

Yâjñavalkya, Verses 65, 66, 67.

Vâsanam, 'a receptacle' such as a casket or the like, fit to hold a deposited article; property lying there, the quantity &c., *anâkhyâya*, 'without being declared', *i.e.*, without mentioning, *anyasya haste*, 'in another's hand', for protection and out of confidence, *arpyate*, what 'is delivered', *tadaupanidhikam*, 'that is called an *upanidhi*' a special kind of deposit.

The general characteristics of a nikshepa deposit, however, should be noted as stated by **Nârada**:[3] "Where one, out of confidence entrusts his own property with another without suspicion, it is called by the wise a deposit, a title of law". "Of a good family, of good conduct, well-versed in law, and a truth-teller," these and others stated by **Manu**[4] are only an extension of (the qualities for) the confidence being reposed.

There, *aupanidhikam dravyam*, 'property which has been deposited as *upanidhi*,' *tathaiva*, 'as it was', *i.e.*, without declaring or counting, as

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1. A *Pratinyâsa* is a mutual bailment both parties exchanging deposits with one-another.

2. Ch. II. 14. 3. Ch. II. 1. 4. Ch. VIII. 180.

before marked by the seals &c., *pratideyam*, 'is to be returned' to the depositor. (65)

There, an *upanidhi*, deposit, if either by the king, by Providential dispensation such as by fire, or by a thief, is taken away, in such cases the acceptor of the deposit is not to be compelled to make good to the depositor.

If, however, when *mârgite*, 'sought' *i.e.*, demanded by the depositor, even then *adatte*, 'if not given', and in regard to that property a loss or deterioration occurs as being caused by the king or Providence, that *upanidhi* by its value, to the depositor and an equal amount as fine to the king, the acceptor must be compelled to pay. By the use of the word *cha*, 'and also', is included the depositor.

Swechhayâ, 'of his own will', and not with the consent of the depositor, *tam*, 'that', *i.e.*, the *upanidhi*, deposit, *âjivan*, 'makes a living upon', *i.e.*, appropriates it by use for making a profit of the interest, *râjñâ dandyah*, 'he should be punished by the king'; *tam* 'that', *upanidhim*, '*deposit*', *sodayam*, 'together with interest', he should be compelled to pay to the depositor.

Here moreover, **Kâtyâyana**[1] states the rule as to interest: "A *nikshepa* deposit, the balance of interest, the proceeds of a sale, as also of a purchase, when being asked for if one does not pay, each carries interest at five per cent".

Manu[2]: "What was carried away by thieves, or drowned in water, as also what was consumed by fire, one need not pay; provided one does not appropriate any portion." Collecting together, *i.e.*, taking a little, and the remainder he deposits elsewhere, or neglects the entire quantity, on the ground 'I am not to be responsible for it', then the whole must be made good. This is the meaning. **Vyâsa**[3]: "Where the deposit has been appropriated and used up, he should be made to pay it, together with interest, and an equal amount if neglected; where it has been lost on account of ignorance, he should be made to pay a little less."

Manu[4]: "If by false means any man deprives another of his property, he along with his accomplices, shall be publicly punished by the various modes of corporal chastisements, *Vadha*, 'chastisement', such as beating, &c.

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1. Verse 506. 2. Ch. VIII. 190.

3. Vijñaneśvara assigns this text to Kâtyâyana, while here and in Parâśara Madhava it is assigned to Vyâsa. See Kâtyâyana Verse, 597.

4. Ch. VIII. 194.

Yâchita &c. Ayam, 'this', *i.e.*, the one stated in connection with the *upanidhi* deposit, *vidhiḥ*, 'rule', *i e.*, the procedare, such as the liability or the non-liability to pay on occasions affected by the king or fate, should be understood in the case of *Yâchita* and like other kinds of deposits. Where, on the occasion of a marriage or like festivity, clothes, ornaments, etc., are asked for and borrowed on an undertaking for repayment, that is called **Yâchitam. Anvâhitam**, when the owner has deposited a thing with one, and by that one also, (*anu*) afterwards deposited further on with another under the direction of the depositor. **Nyâsa** is that where without showing to the master of the house, and even in his absence, a deposit with his people with the words '(this is) to be made over to the master of the house.' Handing over an article to an artisan for preparing into an ornament, after describing it in his presence and giving it over to him is **Nikṣhepa.**

By the use of the word *A'di*, :'and like others' are included things bought (but not paid) and like others mentioned by **Gautama**[1]. For while stating the liabilities, under the **text**[2] 'the sons should discharge', **Gautama**, says: "An open deposit, a sealed deposit, a loan for use, an article brought[3] on hire, and a pledge, when lost without the fault of the holder, (shall not involve) any blameless person.' *Avakrîtam*, an article 'brought on hire', *i.e.*, brought by paying a rent.

When the depositor is available, the deposited article must be delivered over to him, so says **Bṛhaspati**[4]: "By whomsoever has an article been deposited, and by whatever process, to him and in the same manner should it be delivered over to him and not to any other". 'Any other', *i.e.*, successor, such as the son and like others.

Manu[5]: "He who delivered himself, when dead, and the bailee delivers it back to his successor, he must not be charged by the king, nor by the cognates of the depositors."

Under a special agreement (to that effect), however, even when the depositor is living, delivery to the successor may take place in regard to the *Yâchitâha*, which has been almost described above; so says **Kâtyâyana**[6]: "After the (stipulated) time has arrived, and the purpose is over, when he does not deliver although asked for, if the article is lost

1. Ch. XII. 38. 2. Ch XI. 39.

3. अदत्तमौल्यमर्धदत्तमौल्यं वा, हरदत्तः—Price entirely or partly not paid for.

4. Ch. XII. 9. 5. Ch. VIII. 187. 6. Verse, 607.

or even taken away (by any other), then the borrower should take the price and offer it". 'Lost'—even by an act of God.

Thus in the Commentary on Yâjñavalkya ends the Chapter on Deposits.

S'ûlapâṇi.

Yâjñavalkya, Verse 67.

The *Aupanidhi* deposit, if the bailee puts to use without the consent of the depositor then he should be fined in an equal amount by the king, and the amount also should be caused to be paid to the depositor together with interest.

Yâchitam, ornaments &c. brought for decoration. Where the right of ownership is given it is *Nyâsa* : "Where through fear of robbers, king, and the enemies, and also for deceiving the *Dāyādas*, a chattel is deposited in the house of another man, that is called a *Nyâsa*" thus characterised by Bṛhaspati[1]. "Where one's property, out of confidence one deposits with another without any suspicion, that is called *Nikshepa* by the wise" thus stated by Nārada[2]. In regard to these also, the rule viz. "He is not to be made to pay what is taken away by you," is to be understood to apply. Vyāsa[3] states a special rule: "Where the deposit has been appropriated, he should be made to pay (it back together) with interest, and an equal amount if neglected; where it has been lost on account of ignorance he should be made to pay a little less."

Here ends the Chapter on Deposits.

Chapter V.

OF THE WITNESSES.

It has been said above[4] that 'evidence has been laid down to consist of a writing, possession, and witnesses.' Of these, (the law as to) possession has been examined. Now begins an examination of the nature of (the rules of law as to) witnesses.

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1. Ch. XII. 2. 2. Ch. II. 1.
3. See note 3 on p. 842 above.
4. Yâjn. II, Verse. 22, p. 743 ll. 16-18.

Characteristics of witness.

One becomes a (proper) witness by his actually having seen or heard (a thing), as says **Manu**[1]:—"Witness Evidence is admissible if (it is) in accordance with what has actually been seen or heard (by the witness)." Such a witness, moreover, is of two kinds, appointed and unappointed. When marked as a witness, he is called an appointed, and when not marked, an unappointed. Of these the appointed is of five[2] kinds and the unappointed of six, and thus these witnesses are of eleven kinds. As says **Nârada**[3]:—"Eleven varieties of witnesses are distinguished in law by the learned. Five of them are known as appointed, and the other Six as unappointed." Their (further) classification has also been indicated by the same **Author**[4]:—"A subscribing witness, one who has been reminded, a casual witness, a secret witness, an indirect witness, these are the five sorts of appointed witnesses".

Kinds of witnesses.

* Page 44.

Kâtyâyana[5] has described the characteristics of the subscribing and other witnesses (thus): "One who was invited by the claimant[6] himself and who has been entered into the document, is called a subscribing witness, and who has been made to remember without the document (being shown to him) (371)" The **same Author** has explained the meaning of the expression 'Made to remember without the document' (smâritaḥ patrakâdṛte) thus: "He, moreover, who for the purpose of establishing a transaction, is reminded again and again by the claimant after (his) having seen (the document evidencing) the transaction is called here a witness '*who has been reminded*' (372)." He, however, who hving arrived by chance, has been made (to subscribe as) a witness is a *casual witness*. The **same Author** has pointed[7] out a distinction among

1. Ch. VIII. 74.

2. Here there is an error in the print in the Sanskṛt text on p. 43. l. 25. It should Be तत्र कृत: पञ्चविध: अकृतश्च षड्विध इत्येकादशाविध:

3. Ch. I. 149.

4. Nârada Ch. I. 150.

5. Verses. 371–375.

6. अर्थी—the party who sets up a claim.

7. Verse, 373.

these witnesses even when they have not subscribed to the document: "One (specially) called on the occasion, and one who had gone (merely) by chance, these two (kinds of) witnesses can establish the claim of the plaintiff, although they are not entered into the document (373)". Moreover: "He is called a *secret witness* who while remaining concealed, has been made to hear distinctly the words of the defendant by the plaintiff for establishing his claim (374)" And "He is called an *Indirest witnees* who, either from direct or hearsay knowledge corroborates broadly the statements of (actual) witnesses (375)."

Nârada[1] has also pointed out the six kinds of the unappointed (witnesses): "The village, a judge, a king; one commissioned[2] for (special) duties by the disputants, and one deputed by the claimant. In family quarrels, members of the family shall (also) be witnesses." The mention of 'a judge' is indicative by implication also of 'a writer' and 'a *Sabhya*[3]'. "The writer[4], the judge, the *Sabhyás* have, in order, been laid down as witnesses when the case is under investigation by the king."

Such witnesses; of what kind and how many will (these) be? (Anticipating such a question) the Author says

Yâjñavalkya, Verses 68, 69.

Men devoted to religious austerities, men liberally disposed, men of high families, truthful men, men (chiefly) devoted to religious observances, straightforward men, men blessed with sons, and men possessed of wealth (68)

are to be known as competent witnesses, (provided they are) not less than three, and devoted to the performance of S'rauta[5] and Smárta rites; each respectively

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1. Ch. I. 151-152.

2. कार्येष्वाधिकृत:-' कार्येष्वभ्यन्तरो य: ' is another reading & Dr. Jolly translates it as" one acquainted with the affairs of the two parties."

3. See p. 636 n. 4 above.

4. Kâtyâyana, Verse. 355.

5. Śrauta and Smârta rites are those laid down in the Śruti and the Smṛtis. See Yâjñayalka Âchâra. Verse 97 and Vijñâneswara's prefatory remarks thereon. pp. 267-268 above.

according to their caste or class, or all for all (castes and classes).

Mitâksharâ :—**Tapswinaḥ**, *men devoted to religious austerities i. e.* habitually devoted etc.; **dânas'ilâḥ**, *liberally disposed, i. e.* devoted to making donations; **kulînâḥ**, *of high families, i. e.* born in high families; **satyawâdinaḥ**, *truthful, i. e.* having a character for truth-speaking; **dharmapradhânâḥ**, *devoted to religious observances,* and not to observances actuated by *Artha*[1] *and Kāma*; **ṛjavaḥ**, *straitforward,* not crooked; **putrawantaḥ**, *blessed with sons, i. e.* with living sons; **dhanânvitâḥ**, *possessed of wealth, i.e.* possessed of considerable wealth such as gold etc.; **s'rautasmârta-kriyâparâḥ**, *devoted to the performance of s'rauta and smârta rites, i. e.* devoted to the performonce of ordinary and special rites.

The number of witnesses.

Men of this description, **tryavarâḥ**, *not less than three,* are (accepted as) competent witnesses. Those than whom three will not be below i. e. less, are **tryavarâḥ**, *men not less than three i. e.* men who are not on this side of (the number) three. The meaning is, that for more than this, their number would be according to the requirements. Without going outside the caste, is *according to caste,* **yathâjâti.** Castes such as *Mûrdhâvasikta*[2] and others born of descending[3] or ascending unions. Among these, for the *Mûdhâvasiktas,* the witnesses shall be the *Mûrdhāvasiktas.* The same (rule) should be observed with reference to the *Ambashṭhas* and others.

1. The three *Purushârthâs*—ends and aims of all worldly activities—are *Dharma, Artha* and *Kâma,* the securing of religious, pecuniary, and personal advantages.

2. मूर्धावसिक्त (Murdhâvasikta)—see the 'evolution of castes' as given in Yâjñ. Âchârâdhyâya, Verses 90-96 pages 241-267 above. The issue begotten by a Brâhmaṇa on a *Kshatriyâ* wife is called *Murdhâvasikta.* Yâjñ. Âchâra. 91.

3. अनुलोमज *i. e.* the issue of the union of the male of a higher class with the female of a lower class. These have been indicated in Verses 91 and 92 of the Âchârâdhyâya of Yâjñavalkya, pages 248-251. The contrary of this term is प्रतिलोमज (Pratilomaja) the issue of an inverse union *i. e.* the Union of the male of a lower order with the female from a higher order. See Verses (93-95) Do. Do (pages 252-260).

Not going beyond the class is *according to the class*, **yathâvarṇam.** *Classes*, such as the Brâhmaṇas and others. Here, in cases of Brâhmaṇas, Brâhmaṇas alone of the specified description and number can be witnesses. The same (rule) should be observed in the case of *Kshatriyâs* and others. Similarly, in cases concerning women, women alone can give evidence. As says **Manu**[1]: "Women should give evidence for women".

In the absence of persons of the same caste or class all *i. e.* the *Murdhâvasiktas* and *Brâhmaṇas* &c. will become (proper) witnesses in the cases of all *i. e. Murdhâvasiktas* &c., *Brâhmaṇas* and others.

In the absence of witnesses of the aforesaid description, in order to establish the rule that others for whom there is no objection may be (accepted as) witnesses, it is necessary to mention those who are not (fit to be) witnesses. These have been pointed out by **Nârada**[2] as of five sorts :—"The incompetent witnesses, too, have in law[3] books been mentioned by the learned to be of five sorts; (*viz.* witnesses who are incompetent) on account of a (special) text of law, on account of depravity, of contradiction, on account of a voluntary deposition, or of an intervening death."

It may be asked what witnesses again are incompetent under a special text? So the (same) author[4] says: "Learned Brâhmaṇas, hermits, aged persons as also ascetics and others, are incompetent (as) witnesses under a special text of law; and no (special[5]) reason is given for this (rule)." Hermits *i. e. Wânaprasthas*[6]. By the term Âdi, *and others*, are included those who have any dispute (at law) with the father or (such) others. As says **S'ankha**: "Persons

1. Ch, VIII. 68.
2. Ch: I. 157.
3. 'शास्त्रेऽस्मिन्' is another reading &c. "In this law"
4. *Nârada* Ch. I. 158.
5. The reason why the persons referred to in this paragraph are excluded seems to lie in their entire renunciation of earthly interests, which render them unfit to appear in a court of justice. Cf. Manu VIII. 65—*Dr. Jolly*.
6. One in the third stage of life, the four stages being ब्रह्मचर्य, गार्हस्थ्य, वानप्रस्थ & संन्यास.

having a dispute (at law) with the father, resident students at the preceptor's home, ascetics, hermits, and the *Nirgranthas*[1] are incompetent (to be) witnesses. "

Persons unfit to be witnesses *on account of depravity* have been pointed out (by him[2]) thus: " Thieves, robbers, dangerous characters, gamblers, and rogues[3], are incompetent (as) witnesses on account of depravity; there is no truth (to be found) in them. " *Dangerous characters* (chaṇḍâḥ) *i e.* of excitable temper. *Gamblers i. e.* those engaging (themselves) in gambling.

The same Author[4] has pointed out the nature of witnesses incompetent on account of contradiction: " Should one of the witnesses entered on record or summoned by a party depose to a falsehood, all of them become incompetent (as) witnesses on account of a Contradiction".

Similarly the nature of a *Swayamukti* or a volunteer witness has been described[5]: " A volunteer witness is he, who without being appointed to be a witness, comes of his own accord to make a statement, (and) is termed a spy in the law-books; he does not deserve to bear testimony. "

The characteristics of a witness (rendered) incompetent on account of intervening decease have been given thus[6]: " When a claim has to be proved, and the claimant is not in existence, for whom can (any person) bear testimony? And so such a person is an incompetent witness by reason of intervening decease. " *i. e.* either by the plaintiff or the defendant,—who has to prove a (particular) claim (by informing his witness) thus: 'you shall be my witness for this claim'; when such a one—*i. e.* either the plaintiff or

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1. निर्ग्रंथ (Nirgrantha)—*free from* all *ties* or hindrances—a saint or devotee who has renounced all wordly attachments, and wanders about naked and lives as a hermit. The term has also the following meanings :—an idiot, a fool, or a gambler; 'without a restraint'. This term is also used at times in reference to Jain or Budhist monks—a fact evidencing a particular attitude towards this sect at one time.

2. Nârada Ch. I. 159.

3. वञ्चका: . वधका: is another reading : assassins.

4. This text is assigned to *Kâtyâyana* by the Author of the व्यवहारमयूख. See Verse 359 Kâne.

5. *Nârada* 1. 161.

6. Nârada Ch. I. 162.

the defendant is not in existence *i. e.* is dead, and the claim has not been proved, in what claim or for whose behalf should one bear testimony as a witness? and thus one ceases to be a witness, on account of intervening decease.

Where, however, the sons have been told by their father at the time of death or even while he was in (sound) health, that in such and such a claim, such and such persons will be witnesses, in such a case one can be a compentent witness even though there has been an intervening decease. As says **Nârada**: "A witness becomes incompetent on account of intervening decease, unless he has been named by the dying man." And also, "Where a witness has been named by one while (perfectly) free from any disease in a claim which is in accordance with the law, even if the claimant die, the witness (still) continues to be (a competent) witness in claims such as for the six kinds of property *viz. Anvâhita* and others."

S'ûlapâṇi.

Yâjñavalkya, Verse 68.

Ṛjavo, 'straightforward,' *i. e.* not crooked. Of this kind should the witnesses be; should be understood. Thus is the connection with what will be stated hereafter.

S'ûlapâṇi.

Yâjñavalkya, Verse 69.

Three is the least *i. e.* lowest number of whom are *tryawaráh*, 'not less than three'. The meaning is that they shall be not less than three. *Yathâjâtiti*, 'according to the caste &c.'; to whichever caste one may belong, of that caste shall his witnesses be; so, of a touchable caste, a touchable. Or in the case of all, all may be witnesses, since **Manu**, has observed: "Witness evidence is admissible if (it is) in accordance with what has actually been seen or heard (by the witness)." This[1] moreover, is indicative as applicable as a means (of evidence)—the meaning is one is admissible as a witness who has evidence regarding the subject matter in dispute

1. Ch. VIII. 74.

The Author mentions those who are incompetant[1] witnesses

Yâjñavalkya, Verses 70, 71.

A woman, a minor, an old man, a rogue, an intoxicated person, one violent, one against whom an accusation has been brought, a stage-dancer, a heretic, a forger, one deformed (70).

One degraded, a relative, one having an interest in the subject-matter (of the suit), an ally, an enemy, a thief, a desperado, one who has been found guilty, an outcast, and the like others are incompetent witnesses.

Mitâkṣharâ :—**Stri**, *a woman,* is well known ; **bâlaḥ**, *a minor*, one who has not attained (the age of) capacity ; **vṛddhaḥ**, *an old man*, one who is above eighty. The use of the term *vṛddha* is indicative also of others e. g. learned Brâḥmaṇas etc. for whom there is a (special) prohibition in the texts[2] ; **kitavaḥ**, *a rogue,* one who gambles with the dice ; **mattaḥ**, *an intoxicated person, i. e.* by drinking etc. ; **unmattaḥ**, *one violent i. e.* one possessed by an evil spirit ; **abhis'astaḥ**, *one against whom an accusation is brought, i. e.* against whom a charge is pending, such as of killing a Brâḥmaṇa etc. ; **rangâvatârī**, *a stage-dancer, i. e.* a professional actor ; **pākhaṇḍinaḥ**, *heretics,* such as Nirgranthas[3] and others ; **kūṭakṛt**, *a forger, i. e.* one who makes false documents etc ; **vikalendriyaḥ**, *one deformed* e. g. without an ear etc ; **patitaḥ**, *one degraded,* such as a Brâḥmaṇa-killer etc. ; **âptaḥ**, *a relative i. e.* a friendly relative ; **arthasambandhī**, *one having an interest in the subject matter (of the suit), i. e.* the subject matter of the suit which is under investigation ; **sahāyaḥ**, *an ally, i. e.* a partner ; **ripūḥ**, *an enemy,* an opponent ; **taskaraḥ**, *a thief,* a robber ; **sāhasī**, *a desperado,* one menacing (others) by the (sheer) force of his strength ; **dṛs'ḥṭadoṣhaḥ**, *one who has been found guilty,* i. e. who has been

1. There is a mistake in the print of the text at p. 45 l. 18. for तानेतान् साक्षिणो read तानेतानसाक्षिणो.

2. *e. g.* Manu. VIII. 64-67. Nârada. I. 157-171.

3. Jain or Budhist monk. See note on p. 849. above. See also the Mitākṣharā on Yâjñ II. 192 a regards पाखण्डिनः वेदस्य प्रामाण्यमेव नेच्छन्ति; नग्नाः सौगतादयः ।

found out as having told an untruth; **nirdhūtaḥ**, *an outcaste*, one abandoned by his relatives.

By the use of the term **Âdya**, '*and others*', are also included others who have been mentioned in other *Smṛtis*[1] as incompetent witnesses on account of depravity, contradiction, volunteering a deposition, or of intervening decease. These (as also) a woman, a minor &c. are not fit to be witnesses.

* Page 46.

S'ûlapâṇi.

Yâjñavalkya, Verses 70, 71.

These, *i. e.* women &c. although possessing the aforestated qualifications must not be admitted. *Kitavaḥ*, 'a rogue', one who starts betting. *Rangávatára*, 'a stage dancer', *i. e.* one who maintains himself upon the stage. *Sáhasi*, 'a desperado', one who commits thoughtless acts; *draṣhṭadoṣhaḥ*, 'one who has been found guilty', *i. e.* in elsewhere; *nirdhûtaḥ*, 'an outcaste', one who has been banished from the village. By the use of the word *ádya*, 'and others', are included, the *Śrotriyas*, ascetics, and others stated in other Smṛtis. (70, 71).

"Witnesses are known to be not less than three"[2]; the Author mentions an exception to this text

Yâjñavalkya, Verse 72 (1).

When approved of both parties, even one person becomes a (sufficient) witness, if he is conversant with his duties.

About a witness sole.

Mitākṣharā:—**Dharmavit**, one is said to be *conversant with his duties*, who performs the ordinary and special rites after (properly) understanding them. Such a one, even if alone, is a (sufficient) witness, **ubhayânumataḥ**, *when approved of both parties*. By the force of the word **api**, *even*, even two (would do). Although under the text[3]: 'Devoted to the

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1. *e. g.* see Nârada. I. 157 See 848. p. 16–20, above.
2. Verse 69 above p. 846 l. 26.
3. Yâjñavalkya II 69 p. 846 l. 27.

performance of the *S'rauta* and the *Smârt* rites', the (condition regarding the) observation of duties holds equally even in the case of more than three persons, still these are admissible as (competent) witnesses even in the absence of a consent from both sides, while a single witness or two are accepted as sufficient only with the consent of both (parties), and thus the use of the expression (*tryavara*[1]) 'not less than three' has a purpose.

The Author mentions an exception to the text,[2] "men devoted to religious austerities, men liberally disposed &c."

Yâjñavalkya, Verse 72 (2)

In the cases of adultery, theft, insult, and a Sāhasa (a heinous offence), any person may be a witness.

In cases of theft and other proceedings even persons (specially) prohibited may be accepted as witnesses.

Mitâkṣharâ :—**Sangrahaṇa**, *adultery*, and other offences the characteristics of which will be mentioned later on[3]. In these cases all persons, whether prohibited by special text or wanting in the special qualities of austerities, are competent. But here also, the persons who are incapacitated from being witnesses on account of depravity, of contradiction, or on account of a volunteered statement, are not acceptable as witnesses, the cause (of incapacity) *viz.* the absence of (truthfulness) &c. being also applicable here.

Although on account of the text[3]: "Manslaughter, robbery, an indecelent assault upon another man's wife, and the two species of insult, such are the four kinds of Heinous offences," adultery with women, robbery, and assault are regarded as heinous offences, still, these very offences become heinous when they are committed in public (by the offender) in mere brute force, while when committed in secret they are designated by the words adultery &c. and hence they have been distinctly mentioned in addition to the *Sāhasa* (or Heinous offences).

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1. Yâjñ. II. 69. p. 846 2. See Verse 68.
3. Of Nârada. Ch. XII. 2.

Viramitrodaya.

'Evidence has been laid down to consist of a writing, possession, and witnesses' so has been stated above[1] Of these, possession has been discussed. Now the Author discusses the law about witnesses by an entire Chapter

Yâjñavalkya, Verses 68, 69, 70, 71, 72, 73.

Tapaswinaḥ, 'men devoted to religious austerities', *i. e.* as a matter of habit devoted to austerities; *dânaśilâḥ*, 'liberally disposed', *i. e.* devoted to making donations; *kulinâḥ*, 'of high families', *i. e.* born of families free from any taint of mixture &c.; *satyavâdinaḥ*, 'truthful men', *i. e.* having a character for truth-telling; *dharmapradhânâḥ*, 'devoted to religious observances', *i. e.* whose principal objective is religion; *ṛjavaḥ*, 'straightforward', *i. e.* not crooked-minded. (68).

Those, (the number) of whom three is a lower degree are *tryawarâḥ*, 'not less than three'. *Vide* the text of Bṛhaspati[2]: "Nine, seven, or five, should they be; as also four, or three also", *Śrauta* performance, such as the maintenance of the perpetual fire &c; a *Smârta* performance, such as the performance of the *Sandhyâ* worship and the like; one ever alert on their performance, and performing these every day; *yathâjâti*, 'according to caste', *i. e.* in accordance with the castes; thus the conclusion is that for the *Mûrdhâvasiktas*, the *Mûrdhavasiktas*; for the *Ambhashṭhas*, the *Ambashṭhas* to be witnesses; for the women, women to be witnesses.

In the absence of those of one's own caste or of one's own class, in the case of all disputants, all *i. e.* the *Mûrdhâvasiktas* &c., as also Brâhmaṇas &c., who have been stated to be witnesses, in the Smṛtis of Manu and others, should be regarded as proper witnesses. (69).

Women &c., however, are not (proper) witnesses. *Bâlaḥ*, 'a minor', one below the age of sixteen; *vṛddho*, 'old', more than eighty years of age; *kitavaḥ*, 'a rogue', one who habitually gambles with dice; *mattaḥ*, 'intoxicated', by spirituous liquor &c.; *unmattaḥ*, 'violent', such as by madness &c.; *abhiśasto*, 'possessed'[3] *i. e.* on account of the curse of Brâhmicide &c.; *rangâvatâri*, 'a stage-dancer', *i. e.* an actor; *pâkhaṇḍi*, 'a heretic' *i. e.* one outside the orbit of the Vedic[4] religion; *kûṭakṛt*, 'a forger', one whose dealings are always fraudulent; *vikalendriyaḥ*, 'one deformed', *i e.* without an eye, ear &c. (70).

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1. Yâjñ. II. 22 p. 743 ll, 16–18. 2. Ch. VII. 16.

3. अभिशस्त under an accusation, or under a curse.

4. *i. e.* not recognising the Vedas as of authority ये वेदस्य प्रामाण्यमेव नेच्छन्ति, सौगतादयः ।

Patito, 'degraded,' such as a Brâhmicide &c.; *âptaḥ*, 'a relation,' 'relative', *i. e.* a friendly relative; *arthasambandhi*, 'interested in the subject-matter' *i. e.* of the subject-matter in dispute; *sahâyaḥ*, 'an ally', *i. e.* one who is helping the disputant; *ripuḥ*, 'enemy', *i. e.* enemy of the disputant; *taskaraḥ*, 'a thief', a robber; *sâhasî*, 'a desperado', one who wilfully causes murder &c.; *dṛṣhṭadoṣho*, 'one who has been found guilty,' *i. e.* one who has been found to have told a lie in another litigation; *nirdhûtaḥ*, 'an outcaste', *i. e.* who has been outcasted from the family. By the use of the word *âdya*, 'and like others', are included, the Vedic scholar, the ascetic &c. (71).

The Author mentions an exception to the rule[1] 'not less than three':—*ubhayânumataḥ*, 'with the consent of both' &c. by both *i. e.* by the plaintiff and the defendant, agreed to; such a one. *Dharmavit*, 'knowing the dharma', is the necessary attribute in common to all the witnesses. Such a one of this qualification, *ekopi*, 'even one,' is a sufficient witness.

The Author mentions an exception to the rule[2] stated in 'women, minors etc.'

Sangrahaṇe, 'adultery' *i. e.* adultery with women; theft, *pâruṣhye*, 'insult', such as the abusive insult, defamation; *sâhase*, 'in a heinous offence,' such as man-slaughter and the like; *sarvaḥ*, 'all', *i.e.* even women and the rest devoid of the qualifications for a witness as aforestated, become admissible as witnesses. This is the meaning.

By the use of the word *cha*, 'and also', are included persons possessing other qualifications as stated by Manu and others, and as implied in the word *jñeyâ*, 'should be known'. By the use of the word *tu*, 'however', the author specially marks the incompetency as witnesses of ascetics as distinguished from women and others owing to their not being possessed of the stated qualifications. By the use of the word *api*, 'even', are included those stated in the text of Bṛhaspati: "Both these learned men in the Vedas may be accepted". Here, the witnesses added by inclusion by the word *wâ*, 'or', and included by the word *âdya*, 'and like others', are particularly stated as established. There by the efforts of the parties, witnesses mentioned in the lists and as set out in treatises are the best, viz. those working for the benefit of (the members of) all the *varṇas*, knowing all the laws, unaffected by (motives of) avarice, by habit observing the rules of purity, both external and internal.

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1. Verse 69. 2. Verse 70 above.

witness is one who without being appointed comes of his own will and speaks (161), and a witness on account of an intervening decease is one when the plaintiff is dead without his being affirmed."

The S'rotriyas and the like who owing to their intensive application to the Vedic study being likely to be forgetful about the facts of the cause in dispute, they should not be made witnesses. If not made, but if they know, they certainly become good witnesses. So it has been said "Both these S'rotriyas should be accepted."

He further elaborates the *S'rotriyas*, etc.: "The *S'rotriyas*, devotees, aged persons, and those men who have become ascetics, these are declared as incompetent witnesses under a text, here no reason has been given" (158).

If a creditor while in anticipation of impending death has stated to his relations that such and such a person knows that a debtor truly owes the amount, such a one becomes an admissible witness even with an intervening death. When the creditor is dead, and his sons being ignorant, a cause had not been put forth, for the reason, "Who may the witness be"?, thus one is an incompetent witness on account of intervening death. Here in the absence of a competent witness, an incompetent, or a prohibited one may be accepted. It should be remembered, however, that one who has emphatically been prohibited, must never be admitted. This is as good as said. (72).

S'ûlapâṇi.

'Not less than three shall be the witnesses'. To this the Author states an exception

Yâjñavalkya, Verse 72.

One conversant with the *Dharma*, and approved of both (sides), may be admitted as a proper witness though alone, by reason of the special qualifications. It is not merely by a knowledge of the *Dharma*, nor also because both the parties consent, that only one (man) is admissible as a witness.

Thus: "Where a witness pure in action, knowing the *Dharma*, whose testimony has been tested, even one may be accepted as good evidence, and particularly in cases of heinous offences," so characterised in the text of Vyâsa[1] by reason of his being agreed to by both the parties, by reason of the varacity of his speech, although he had not given

1. See also *Smṛtichandrikâ* p. 76, l. 18.

evidence in other cases before, and thus although prohibited (on that account), becomes admissible as a proper witness.

Nârada[1]: "Those who have been set out as incompetent witnesses viz., slaves, imposters and like others, shall still be withesses when the importance[2] of the trial is determined[3]." Even here these are not all admissible: "Even among them, not a minor, nor a woman, nor one alone, nor a cheat, nor a relation, nor an enemy; as they might depose falsely".

Indeed: In the text of **Nârada**[4]: "Man-slaughter, theft, an indescent assault on another man's wife, and the two species of insult, are the five kinds of heinous offences", the adultery with women is included in the statement of *Sàhasas*—heinous offences—why then has it been separately mentioned? The answer is, under the text of **Manu**[5]: "That act will also be called a *sâhasa*, which has been perpetrated violently and which has the resulting consequences", with a view to obviate the doubt about the heinous character of a violent act referred to in the text, a separate mention has thus a purpose. (72).

The Author describes the affirmation of the witnesses

Yajñavalkya, Verse 73, (1)

In the presence of the plaintiff and the defendant the witnesses should be affirmed, (in the following[6] form)

Mitâksharā:—In the presence of the plaintiff and the defendant, **Sākshiṇaḥ**, *the witnesses*, when gathered together—under the text of **Gautama**[7]: "They (*i. e.* the witnesses) should not speak singly or without[8] being asked," *should be affirmed*, **s'rāvayet**, as follows. There also a special rule has been laid down by **Kātyāyana**[9]: "The witnesses being assembled in the middle of the court room, in the presence of the plaintiff and the defendant, the judge

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1. Ch. I. 188.
2. *i. e.* in important proceedings even these may become witnesses.
3. Narada Ch. I, 190.
4. Ch. XIV. 2.
5. Ch. VIII. 333. See the comment of Medhâtithi on this verse.
6. viz: vesses 73 (2), 74, 75, further on.
7. Ch. XIII. 5.
8. Thera is a mistake in the print at p. 46. l. 17. for नासमवेताः पृष्टा read नासमवेतापृष्टा ।
9. Verses 342, 344, 345.

should examine them after assuring them in the manner as laid down in the following rule (342): "In the forenoon, the judge, being purified, should charge the *dwijâs*, their faces being turned towards the North or the East, to give true evidence, in the presence of (the image of) God and the Brâhmaṇas (344). After having summoned the witnesses and bound them down firmly by an oath, he (the judge) should examine them severally, (all of them) being men of established charactor and acquainted with the facts (of the case) in dispute (345)."

Moreover, a rule has been laid down by Manu[1] for affirming the Brâhmaṇas and others: "A Brâhmaṇa should be required to swear by the (merits generated by his) truth, a Kshatriya by (the means of) his conveyance and by his weapons, a Vais'ya by his kine, grain, and gold, and a S'ûdra by (imprecating on his own head the guilt of) all *sins*". A Brâhmaṇa should be made to swear with the words—'If you tell an untruth, all (merits arising from) your truth will perish'; a Kshatriya—'Your (means of) conveyance and weapons will become futile'.; a Vais'ya—'your kine, grain and gold will become useless', and a S'ûdra—'if you tell an untruth all the sins will accrue to you'.

Here, moreover, an exception has been mentioned by the same[2] Sage: "The *Viprâs* who carry on the business of cowherds, traders, similarly of mechanics, actors, and also menial servants, or usurers, the judge should treat as S'ûdras". The use of the term *Vipra* is by an extension, indicative, of Kshatriya and Vais'ya. *Actors* (Kus'îlavâḥ) *i. e.* singers.

When (the plea of) a defect in a witness has been raised by the defendant, the decision should be arrived at in the same manner as is done in the case of defects which are capable of being determined upon by actual sight, such as minority &c. In the case, however, of such as are not capable of being so determined, the point should be decided by reference to the evidence of witnesses and the evidence of general repute, and not by that of other witnesses; thus there is no incongruity.

1. Ch. VIII. 113. 2. Manu Ch. VIII. 102.

If the defendant, after having set up a defect in the witnesses, is not able to substantiate it, then he should be punished according to the nature of the defect set up. If, however, he establishes the defect, then those persons will not be admitted as witnesses. As has been said[1]: "If he (*i. e.* the defendant) do not establish clearly the defect in the witnesses, he should be compelled to pay a fine; if the defect is established, the witnesses should be rejected as persons unfit to be witnesses".

* Page 47.

And when after all the witnesses intended to be cited by the plaintiff have been found to be defective, and the plaintiff cannot prove his case by (any) other evidence, then he becomes defeated; *vide* the text.[2]—"When defeated, he should be compelled to pay a fine as laid down by the law, if the plaintiff is disposed to be indifferent in (the matter of) establishing the truthfulness of his witnesses." The meaning is that if he is desirous (of establishing his case), he should have recourse to other evidence.

How should a witness be affirmed ? so the Author explains

Yâjñavalkya, Verses 73 (2), 74, 75.

"Those regions (which are) meant for the perpetrators of sins and of baser[3] sins, as also those worlds (which are) meant for the incendiaries and the slayers of women and children, to all these shall he go who gives false evidence. 73 (2), 74.

"Whatever merit you have secured by (your good deeds in) hundreds of previous lives, know that all that (merit) will be his whose defeat you will bring about (by speaking) falsely. 75.

Mitâkshara:—The meaning is that those regions which are intended for the perpetrators of sins, accessory and baser ones, as also for the incendiaries and the murderers of women and children, to

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1. By Vyâsa. 2. Also of Vyâsa.

3. महापातकs. these are.

ब्रह्महत्या सुरापानं स्तेयं गुर्वंगनागमः । महांति पातकान्याहुस्तत्संसर्गश्च पञ्चमम् ॥

all these shall he go who gives false evidence. Similarly, whatever merit may have been acquired through hundreds of previous births, all that goes to him who is defeated on account of your (having given) false evidence; thus a witness should be affirmed, is the connection.

This (latter), moreover, should be understood as applicable to S'ûdrâs, as the affirmation by all the sins as laid down in the text[1]—"and a S'ûdra by all the *pâtakâs*"—has also been made applicable to the *dwijas* who carry on the occupation of cowherds &c. as has been laid down in the text[2] "(dwijâs) engaging themselves as cowherds, grocers &c." The transference to another of the merit acquired through innumerable births, as also the accrual of the results of baser and other sins is not deducible from untruth alone. Thus this text is intended merely as a means of inspiring awe and fear (in the defendant); as says **Nârada**:[3] "By ancient sacred texts, extolling the excellence of truth, and denouncing the sinfulness of falsehood, let him inspire them with deep awe".

Viramitrodaya.

Now the Author states the manner in which witnesses should be examined

Yâjñavalkya, Verses 73, 74, 75.

Those attending for giving evidance as witnesses and in the presence of the plaintiff and the defendant, the investigating officer himself should affirm in the manner hereafter to be stated.

Pâpakṛtâm, 'for the perpetration of sins', are meant here the regions (intended) for the perpetrators of sins not specifically mentioned viz. such as the *Raurava* and the like other places. *Agnidânâm*, 'for the incendiaries', *i. e.* who set fire through hatred to fields full of crops, to a store-house, and the like places; *sâkṣhyam*, 'evidence' *i. e.* statement to be made as a witness; *anṛtam*, 'false' *i. e.* not according to facts, *yo vadet*, he 'who states', *sa etân sarvân*, 'he all these regions', *avâpnoti*, 'shall go to'.

By the use of the word *tathâ*, 'also', the perpetrators of the lower kinds of sins, and by the several use of the word *cha*, 'and', are included

1. Manu ch. VIII. 88, 113. 2. Manu ch. VIII. 102.
3. Ch. I. 200.

the perpetrators of grave offences, such as, the poisoner, one causing abortion, and the like.

By reason of the text[1]: "While a *śûdra,* by (the imprecation of) all the sins", in regard to the affirmation of a *śûdra* witness, the Author says; *sukṛtamiti,* 'merit etc'. The meaning is that whatever religious merit you may have acquired in past births, all that shall perish. **Nârada**[2]: "By the truth, should a Bráḥmaṇa be affirmed; a Kṣhatriya by the means of his conveyance and weapons; by the kine, grain, and gold, a Vaiśya, and a Śûdra by all the sins".

"Speak the truth", thus an affirmation should be caused to be made by a Brâḥmaṇa, in the form of wealth, viz. 'this is the truth'. This, however, is in regard to a Brâḥmaṇa for whom a middle course is admissible *vide* the text of **Gautama**[3]: "Some (declare, that the witnesses) shall be charged on oath to speak the truth. That in the presence of Gods, Brâḥmaṇa, and the Royal Court, in the case of others than Brâḥmaṇas". 'By one'[4] is in regard to the specially qualified.

Vâhanam, ' means of conveyance ', such as the horse, etc.; *âyudham,* ' weapon ', such as the sword, etc. The affirmation should be made in the form of a touch of these. By the touch of the cow or the grain which are the main support of agriculture, and of gold, the Vais'ya should be affirmed. By the text, (of Nârada), 'A Śudra &c. and *S'ukṛtam* etc., religious merits ' when the judge causes the affirmation, the party should be made to repeat this 'all the sins shall accrue to me if I make a false statement.'

By the use of the word *tu,* ' however ', are excluded the affirmations of the members of *three varṇas*[5]: 'Speak',[6] thus, should he accost the Bràḥmaṇa, 'speak the truth ', thus a Kṣhatriya ". So also[7]: " Those of the Vipras who carry on the business of cowherds, traders, also the mechanics, and actors, menial servants, and usurers—the Judge should treat as S'udras ". " Treat as S'udras ", *i.e.,* should cause affirmation to be made like the S'udras. In the case of Kṣhatriyas, the rule should be understood by discriminating between men of quality and those without any qualification.

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1. of Manu Ch. VIII. 113.
2. Ch. I. 199; See also Manu Ch. VIII. 113.
3. Ch. XIII. 12, 13.
4. एकेनेति—Here Mitramiśra reads the text of Gautama (XIII. 12) as सत्येनैकेन—while in the original it is सत्येनैके—'according to some, by the truth'.
5. *viz.* the Brâḥmaṇa, Kṣhatriya and Vais'ya.
6. Ch. VIII. 89.
7. Ch. VIII. 103.

S'ankha and Likhita : "By the sons and grandsons according to the orders, the special declartion should be made in the presence of God, Brâhmaṇa, and the masters, one should be affirmed by the touch of the head of the sons and grandsons." For whichever *varṇa* the touch of a particular thing has been stated in other Smṛtis, with that he should be sworn. This is the meaning. (73–75).

S'ûlapâṇi.

Yâjñavalkya, Verses 73, 74.

"Those regions (which are) meant for the perpetrators of sins" &c., thus the Chief Judge should affirm the witnesses in the presence of the plaintiff and the defendant. This, moreover, has a reference to the testimony of a *Śûdra*. Manu[1] states a special rule: " 'Speak', thus should a Bráhmaṇa be asked to swear; 'speak the truth', thus a Kshatriya; by the cow, grain and gold should a Vaiśya be affirmed; a Śūdra, however, with all the sins." 'Cow, grain' &c. *i. e.* whatever sin accrues for stealing a cow &c. that sin will be yours if you tell a falsehood. 'With the sins' &c. *i. e.* with the sins stated in the text: "Those regions for the perpetrators of sins &c."—you will be joined. (74).

S'ûlapâṇi.

The Author states the form of oath for the witnesses.

Yâjñavalkya, Verse 75.

This also is in regard to a Śūdra. Manu[2] states a special rule: "The *Vipras* who carry on the business of cowherds, traders, similarly of mechanics, actors, and also menial servants or usurers, the Judge should treat as Śudras." The meaning is that in regard to witness evidence, he should ask them to swear like the Śudras. (75).

When however the witnesses after they are affirmed, do not speak at all what should be done? Anticipating this question the Author says

Yâjñavalkya, Verse 76.

A person, however, not giving evidence should be made to pay, by the king, the entire debt with the addition of a tenth as a charge thereto on the forty-sixth day. 76.

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1. Ch. VIII. 89.

2. Ch. VIII. 103.

On a refusal to give evidence the debt should be paid.

Mitâksharâ :—He, who having agreed to give evidence as a witness, after having been affirmed, does not depose anything, should be made to pay by the king the entire debt (*i. e.*) together with interest, to the creditor, **sadas'abandhakam**, *with the addition of a tenth, i. e.* together with a tenth part. The tenth part, moreover, becomes the king's property, for it has (already) been laid[1] down above that "a debtor should be made to (pay) by the king to himself ten per cent of the amount recovered."

This (rule), however, should be understood to be enforceable after the 46th day is reached. One deposing before that limit should not be made to pay.

This rule, again, applies to those who are not affected by any of the calamities, such as a disease &c. As says **Manu**[2]: "A man who, without being ill, does not give evidence in cases of loan transactions and the like within three fortnights shall become responsible for the whole debt together with a tenth part of the whole." *Without being ill* is indicative by implication (also) of the absence of (other) calamities caused by the king or fate.

S'ûlapâṇi.

Yâjñavalkya, Verse 76.

Those, moreover, who after being put to an oath viz.: "these regions for the sinners &c.', do not give evidence, after an interval of three fortnights they should be compelled by the king to pay the amount of the debt together with interest, and a tenth part in addition. The addition of the tenth part being by way of penalty, the king should take (it to) himself. **Manu**[3] states a special rule: "He, to whom, within seven days of his having given evidence, happens (a calamity in the form of) a sickness, a fire, also of the death of a relative, shall be made to pay the debt and a fine."

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1. Yâjñ. II. 42. p 779 ll. 25-26 above.

2. Ch. VIII. 107. 3. Ch. VIII. 109.

In cases other than that of a money debt, special penalties have been mentioned by **Manu**[1] for perjury: "(He who commits perjury) through covetuousness, shall be fined one thousand; through fatuity, the lowest amercement; through fear, the two middling amercements; and through friendship, four times of that stated before (121); Through lust, ten times has been stated; through wrath, however, treble the highest; through ignorance, full two hundred; and through childishness, one hundred. They declare that the wise men have prescribed these as penalties for perjury". (76).

One, however, who though (fully) knowing everything does not agree to give evidence through wickedness, for such a one the Author lays down a rule

Yâjñavalkya, Verse 77.

One who does not (offer to) give evidence as a witness though positively knowing (the facts of the case), that basest of human beings is equal to a false witness in point of sins and (liability to) punishment.

Mitâksharâ :—Moreover, **yaḥ narâdhamaḥ**, *that basest of human beings*, even **jânannapi**, *though well-*

*PAGE 48.

knowing the (facts regarding the) point in dispute, **sâkshyam na dadâti**, *does not* (offer to) *give evidence as a witness i. e.* does not agree to give, **kûṭasâkshiṇâm tulyaḥ**, *is regarded as equal to false witnesses*, in point of sins and the punishment.

The punishment for false witnesses will be[2] mentioned (hereafter). After punishing the false witnesses the suit should be commenced again. And even if a suit is decided, it should be cancelled if the evidence comes to be known to be false. As says **Manu**:[3] "In every suit where false evidence has been given, the judgement in each (suit) stands cancelled, and whatever has been done (in pursuance of it) is (regarded as) not done."

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1. Ch. VIII. 121-123.
2. Yâjn. II. 81.
3. Ch. VIII. 117.

Viramitrodaya.

The Author mentions the nature of the Offence of the witnesses called to depose to the point under decision when not making any statement

Yâjñavalkya, Verses 76, 77.

That which is bound, *i. e.*, adjusted[1] as being paid to the king is a *bandhaḥ*, 'a charge', in the shape of a tenth part payable to the victor, is *daśabandhaḥ*, 'the tenth as a charge'; together with that the entire debt including the interest, *sâkṣhyam abruvan*, 'one not giving evidence', even though knowing (the facts), *râjñâ*, 'by the king', *ṣhaṭchatwâriṅśake*, 'on the forty-sixth day'—becomes liable to be 'compelled to pay' *dâpyaḥ*.

By the use of the word *tu*, 'however', is excluded the payment before the forty-sixth day.

It may be asked, Indeed, for not making a statement which is false, how can he be made to pay? So the Author states that this is equivalent to making a false statement, and proceeds, *no dadâtîti*, 'does not give' &c. *Hi*, 'positively', *jânannapi*, 'though knowing', *yaḥ sâkṣhyam na dadâti*, 'he who does not give evidence,' *i.e.*, does not make a statement, *sa narâdhamaḥ*, 'that basest of human beings', *kûṭasâkṣhiṇâm*, 'of false witnesses' *i.e.*, of persons giving false evidence, *pâpaiḥ*, 'with the sins', *i.e.*, with the liability of the penalty to the king being made payable, *tulyo*, 'equal'; *hi*, 'since', he becomes amenable to be compelled to pay that. This is the meaning. The penalty for a false witness will be mentioned[2] hereafter.

By the use of the word *cha*, 'and', is included the censurability by the people. By the use of the word *eva*, 'also', the Author discriminates the several penalties stated in the verses before. Therefore, he is liable to pay the debt with a charge of a tenth. If however, he is affluent in wealth, the penalty hereafter[2] to be mentioned alone will be for him. Other penalties, however will be stated in regard to the different subject-matters.

In regard to the period for a plaintiff, Bṛhaspati says:—"He, however, having cited witnesses, does not still cause them to be examined, within thirty days or three fortnights, loses his suit." The use of the word *wâ*, 'or', is indicative of an alternative option in regard to the smallness or greatness of the subject-matter of the dispute.

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1. as stated in Verse 42 above; see p. 779 lines 25–26.
2. in verses 81 and 82.

Also: "When a plaintiff after having agreed to attend for performing an ordeal, does not attend, in such a case the fraud should not be allowed when any calamity, either caused by God or the King occurs to him. By merely giving up the period he does not become defeated". 'Should not be allowed' *i. e.* should be dispelled. Here, according to some, the use of the word *hâni*, 'loss' before the word *parâjitaḥ*, 'defeated' is in the sense of a defeat. In the suit, a fraud being liable to be dispelled, there cannot be a defeat merely on account of the statements, for a fault may likely be found even in the witnesses cited. While in the case of statements the suspicion would be of a slight degree. So hold others. (76-77).

S'ûlapâṇi.

Yâjñavalkya, Verse 77.

He, who though knowing (the facts), through wickedness does not appear and attend, he should be regarded as equal to a false witness in guilt with the sins and penalties. **Kâtyâyana** says in regard to false witnesses: "A false witness shall stay in the *avichi*[1] hell for a year". (77)

How should the decision be given when the witnesses disagree? So the Author says

Yâjñavalkya, Verse 78.

In (the case of) a disagreement, the testimony of the majority prevails; similarly if the witnesses are equally divided, the evidence of the virtuous; if, however, the virtuous disagree, the evidence of those who are most virtuous should be accepted (as conclusive).

Rule in the case of a conflict among witnesses.

Mitâksharâ :—**Dwaidhe**, *in the case of a disagreement, i. e.* conflict between witnesses, **bahûnâm vachanam** the *testimony of the majority*, **grâhyam**, *should be accepted*. When the disagreement is between those who are equal *i. e.* equal in number, the testimony of those who are virtuous should be accepted. When, moreover, the disagreement happens to be even

1. अवीचि—the name of a particular hell; a waveless stagnant cesspool See Yajn, III. श्लो. 224.

among the virtuous, those who are **guṇavattamâḥ**, *most virtuous, i. e.* accomplished by learning and study and by the observance thereof, as also who are endowed with wealth, male issue &c. The testimony of these should be accepted.

Where, however, the virtuous are few and the others many, the testimony of the virtuous alone should be accepted *vide* the text.[1], "With the consent of both, even one person is (enough as) a witness, if he knows the *Dharma*," prominence having been given to the superiority of virtues. What, however, has been said about the incompetency of persons on account of a contradiction, applies to a case where no special preference can be admitted on account of the general equality of all.

Viramitrodaya.

Now the procedure regarding the statements of witnesses.

There **Kâtyâyana**[2] says: "The witnesses should give their evidence while within the Court premises, and not elsewhere; this is the rule in regard to all kinds of witness evidence; but it is otherwise as regards immoveable property". In the case of the killing of sentint beings, the witnesses should be examined near[3] the corpse; in its absence, near a mark (of the corpse); in no other manner should he be examined. With an unperturbed mind, whatever and whenever he may have seen with his own eyes, and which has been remembered (by him), that a witness should state in his deposition. So also, "Where, in the case of defendants belonging to a foreign country, their presence is unsecurable, in such a case a written statement of his deposition, made before Scholars of the three Vedas should be caused to be taken."

Kâtyâyana:[4] "What was seen by persons together, that should be stated as it was; where it was separately seen in different transactions, that should he deposed to separately. Where a transaction came to be known by the witnesses at different times, there each separately should

1. Yâjñ. II. 72 above p. 812. ll. 22–24.

2. Verse, 380.

3. शवसंनिधो—Mr. Kane in his compilation of extracts from Kâtyâyana his prefered the reading as शिवसंनिधो. But शवसंनिधौ is better, and apporopriate to o.

4. Verses 394–395.

be examined at a different time; so says Bhṛgu". 'Not one transaction' means different transactions. So[1]: "Their statements as made naturally should be accepted free from faults; when the witnesses have made their statements they must not be questioned by the king again and again."

What should be done when a disagreement occurs in the statements of witnesses examined? So the Author says

Yâjñavalkya, Verse 78.

Of the witnesses, whether examined by one side *e.g.*, by the plaintiff, or examined on behalf of both sides, where there is 'a disagreement', *dwaidhe*, *i.e.* where their statements contradict each other, *bahûnâm*, 'of the majority' *i.e.*, as compared with the opposite testimony of a larger number of witnesses, the statements of witnesses should be accepted. Where the witnesses are men with qualifications and of equal number on both sides, there by a comparison with the contradicting statements, those who have higher qualifications, their statements should be accepted.

By the use of the word *tu*, 'however', is excluded the admissibility of statements which are opposed to the admissible testimony. Where, on a difference of the evidence of the contending parties, there is an absolute equality then by the rule stated in the text[2]: "When three witnesses for both sides" &c. an adjustment has been made before.

Of one's own witnesses if there be mutual contradiction, or an entire agreement, then according to the opinion of Mis'ra, another kind of evidence should be resorted to.

Now, some under the text of Kâtyâyana viz.: "Of the subscribing witnesses who have been pointed out by the plaintiff, even if one depose falsely, all become incompetent witnesses on account of an incongruity." Others say that the purport of the text of Kâtyâyana is that of the three when one speaks a falsehood, another who is equal to him and deposing correctly, and the third being left alone, there a decision cannot be reached through witness evidence, while the purport of the present text is that as the remaining witnesses on the other side are more than one, the decision can be reached from their evidence itself. (78).

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1. Verse 393.

2. Yajñ. II. 17; see p. 696. l. 18.

S'ûlapâṇi.

Yâjñavalkya, Verse 78.

When there is a conflict among witnesses, the testimony of the majority should be accepted. When the witnesses are equally divided, the statements of those with better qualifications should be accepted. And if it is the case with all, the statements of the best qualified should be taken as decisive. (78).

What testimony of the witnesses leads to success and what to a defeat? (Anticipating this inquiry) the Author says

Yâjñavalkya, Verse 79.

He, whose witnesses depose to the truth of (the allegations in) the plaint, shall become successful; (and) sure defeat will be his whose witnesses speak to a falsehood.

Success or defeat through witnesses.

Mitâksharâ:--**yasya**, he *whose*, *i. e.* of the plaintiff, **pratijñâṃ**, *plaint*, containing the particulars about the subject-matter, its kind, measure &c., **sâkshiṇaḥ**, the *witnesses*, depose to **satyâṃ**, *as true*, *e. g.* with the words, "This is true, we know", becomes **jayi**, *successful*.

Of a plaintiff, however, whose plaint, **anyathâ**, they *contradict* *i. e.* testify in a contradictory manner *e. g.* (with the words). 'This is false' his *defeat*, **parâjayaḥ**, will be *sure*, **dhruvaḥ** *i. e.* certain. Where, however, on account of forgetfulness or other (cause) the witnesses do not substantiate either the affirmation or the negation of the allegations in the plaint, in such a case the decision should be given by (recourse to) other (means of) proof; and the king should not question the witnesses again and again. Only such testimony should be recorded as was given (by the witnesses) spontaneously. As has been said[1]: "Such evidence of these (the witnesses) should be admitted as may be spontaneous and free from fault; after, however, the witnesses have made their declarations as above, they should not be questioned again and again by the king".

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1. By *Kâtyâyana* verse. 392.

Viramitrodaya.

Now the Author mentions the kind of evidence which leads to a success or a defeat

Yâjñavalkya, Verse 79.

Yasya, 'whose', *i. e.* of the plaintiff, *pratijñâm*, 'plaint', *sâkshiṇaḥ*, 'the witnesses', *satyâm brûyuḥ*, 'depose to the truth', *i.e.* speak according to the facts, *sa*, 'he', *i.e.*, the plaintiff, *jayî bhavet*, 'shall become successful'. *Anyathâvâdinaḥ*, 'speak to a falsehood', *i.e.*, those who depose to the falsity of the plaint, *yasya*, 'whose' witnesses, *tasya*, 'of him', *dhruvam*, 'sure', *i.e.*, of a certainty, is *parâjayaḥ*, 'a defeat'. This is the meaning.

Some, however, say that the witnesses, *i.e.*, of the plaintiff who do not depose to the truth (of the plaint); that is improper. In a trial at law, all subvensions are to be removed, and by merely non-deposing, a defeat would be impossible; that is the point.

Here, even as to a matter deposed to by the witnesses, if within seven days a disease or a like calamity occurs to him, the party whose witnesses depose, gets a defeat—*vide* the text of Nârada[1], viz.: "He, to whom, within seven days of his witnesses having given evidence, happens (a calamity in the form of) a sickness, a fire, or the death of a relative, shall be made to pay the debt, and a fine also."

In regard to the statement of witnesses Vyâsa says: "If the statement (of a witness) is not defective in regard to time, form, age, the thing, country and the caste, the point at issue may be declared as established." Bṛhaspati[2]: "He, the statement in whose plaint has been entirely deposed to by the witnesses, that man will be (declared) successful; if otherwise, witness evidence will not lead to a conclusion."

'If otherwise', *i.e.*, in the absence of deposing to the entirety. This, however, is possible in two ways, by not deposing, as also by not deposing as expected. Another (possibility) is also of four kinds, by deposing to less, by deposing to more, by deposing to one's ignorance, as also by deposing to the opponent's case. There, in all the cases, the point at issue remains unestablished. On the other hand, in the case of the first and the last, other means of evidence must be resorted to, and not that by that much alone there could be a decision as to its defeat.

Now the statements of witnesses: Thus Nârada[3]: "When in regard to the matters set out, a witness who has come to depose does not

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1. See Manu Ch. VIII. 109. 2. Ch. VII. 32. 3. Ch. I. 232.

depose consistently and without a flaw, that cannot be regarded as evidence." Some say that where he deposes as to the thing, but fails in regard to the portion as to the quantity, there in regard to the portion of the quantity, other evidence should be resorted to. According to the **Sampradâya**, other evidence may be taken even (if it be) in regard to a portion of the thing.

For, " where a party's witnesses depose to less or even more, that even may be regarded as non-evidence ; this has been declared to be the rule as to witness evidence ". When a hundred is in dispute, a statement as to two hundred, leading to a certainty of falsehood, is as good as not said. It is not possible in the case of a plaintiff, by reason of constant company and repetition, that his witnesses who are (thus) reminded, should forget. In the case of a statement as to fifty, in regard to more than that, it is as good as not said. In regard to the portion deposed to, however, it is certainly decisive, so opines the revered **Mis'ra.** The (author of the) **Smṛtisâra,** and others, however, hold that in regard to the entire claim even, there should be other evidence.

Where 'a witness who has heard', however, when asked says " I did not hear this matter ', there the point is not established, there being an absence of a concurrence between the (words of the) deposition and the matter in issue. On the other hand, like an eye-witness, where a witness deposes to the very matter at issue from what he had heard, there the claim becomes established. In the case, however, of a taint as to the unreliability of his words, he certainly does not deserve to be admitted as a witness. This is the meaning. (79).

S'ûlapâṇi.

Yâjñavalkya, Verse 79.

He, the substance of whose plaint, his witnesses support and declare 'this is true', that man shall be (declared) successful. He whose witneses speak otherwise, his defeat is certain; *vide* the text of **Vyâsa**: "A false claimant is defeated". So **Nârada**[1]: "Regarding the place, time, age, subject-matter, quantity, shape and kind, where there is incongruity, that witness evidence is also worthless ". (79).

The Author mentions an exception to the rule[2]: " sure defeat will be his whose witnesses contradict the plaint. "

1. Ch. V. 175.
2. Contained in the last verse No. 79. p. 871.

Yâjñavalkya, Verse 80.

Even after evidence has been given by witnesses in the matter under consideration, if more qualified witnesses, or double (than those first examined) depose otherwise, the first witnesses become false.

Exception to the above.

Mitâkshârâ:—When evidence has been given by *witnesses*, **sâkshibhiḥ**, qualified as (stated) above, **sâkshye**, *in the matter under consideration, i. e.*, the allegations made by himself (and) which is contradictory to the allegations in the plaint, **yadyanye guṇavattamâḥ**, if *others more qualified*, than the first, **dwiguṇâ wâ**, *or double in number*, depose *otherwise*, **anyathâ**: *i. e.*, in support of the allegations in the plaint, then the *first witnesses*, **pūrvasâkshinaḥ**, become *false*, **kūṭâḥ** *i. e*, prejurers.

An objection.

Indeed this is improper. For, after the evidence was given by witnesses who were fixed upon as the means of proper proof after their competency was determined by the plaintiff, the defendant, and the presiding officer of the court, to seek after another mode of proof would involve the fault of incongruity as also per the text of **Nârada**[1]: "When a lawsuit has been decided, evidence becomes useless, whether it consists of documents or of witnesses, if such evidence was not announced at a former stage of the trial. As the (fertilizing) capacity of the rainy season is thrown away on crops which have ripened, even so evidence becomes useless in suits which have been decided.

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The answer.

To this the answer is: when the plaintiff relying on his own internal consciousness about (the truth of) the allegations in the plaint, and thus regarding as unreliable the testimony of witnesses who although till then are undiscovered as vicious, yet as it contradicted the plaint, he conceives a defect even in (his own) witnesses, then in such a case, how can other evidence be excluded? It has also been

1. Ch, I. 62-63.

said[1]: "He whose sense of perception is faulty, as also he who has been once found to have told a lie, that man indeed is a bad witness" *e. g.* although a defect in an organ such as the eye &c. has not been (actually) discovered, still as such a defect in the organ is (still) inferred on the strength of the knowledge thereof by the disagreement with the plaint, so here also on the strength of the rule that the evidence of witnesses should be tested by means other than the mere examination of witnesses, **Kâtyâyana**[2] has said "The truth of the words uttered by witnesses should be examined with the help of the Councillors."

"When evidence is free from (all) faults then (alone) their words should be tested by the principles of justice; and a plaint which has been found to be correct by comparison with testimony (so) refined, is considered as a true plaint; this is the (established) rule[3]." When *Evidence* in the form of[4] witnesses is (found to be) free from all faults by reference to the rule[5] "nor those interested in the suit, nor friends &c." then (only) *their words i. e.* the words of the witnesses[6] should be tested. And the testing of the words is to be by establishing the truth of the plaint, vide the text: "A clause is refined by (establishing its) truth." From the evidence thus refined, and from the words thus tested whichever (allegation in the) plaint[7] is established, that is considered as a true plaint having been found as such. This is the rule, *i. e.* the rule of the lawyers. The meaning is that the evidence is considered as true in the absence of any data for inferring a fault in the senses (of perception).

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1. By Gautama (see Bâlambhaṭṭi); or it may also mean, 'he whose esidence is faulty'. Vijñâneśvara, however, takes it to mean 'an organ of perception.'
2. Verse, 340.
3. Kātyāyana verse. 409.
4. *i. e.* new witnesses.
5. Narada ch. I. 177. The full text of this rule is as follows:

नार्थसंबंधिनो नाप्ता न सहाया न वैरिणः । न दृष्टदोषाः प्रष्टव्याः साक्षिणः प्रतिदूषिता; ॥ १७७.

Tr: "Those must not be examined as witnesses who are interested in the suit, nor friends, nor associates, nor enemies, nor notorious offenders, nor persons tainted (with a heavy sin)".

6. *i. e.* Witnesses first examined.
7. Lit. when once success in the case has been declared.

Another objection and answer

After having discussed the witnesses cited as evidence by the plaintiff himself, how can other evidence be accepted as proof ? There is no error here. Since by mentioning the rule : " He, who having adduced stronger proof resorts to a weaker one, should not be allowed by the officers of the court to resort to it again when once the case has been determined ", Kātyāyana[1] has indicated the admission of another proof before yet the success in the case is determined, since fresh evidence is prohibited at a period subsequent to the determination of success in a case. By stating the rule[2]: " When a lawsuit has once been decided, evidence becomes useless", Nārada also has interdicted fresh evidence only after the determination of the success in a suit and not even before. Therefore it has been established that fresh evidence may be admitted on behalf of a party who is dissatisfied with his evidence even after 'evidence was given' by witnesses.

In such a state of things if there are witnesses who are more qualified than, or are twice in number to, those whose evidence was recorded, or if those cited before are not near (and available) then (the testimony of) these latter alone should be accepted as reliable evidence, the rule contained in the text[3]: "Whatever witnesses declare quite naturally, that must be received as evidence acceptable in trials ", having a universal application in all suits. Also *vide* the text of Nârada[4]: "When a lawsuit has been decided, evidence becomes useless whether it consist of a document or witnesses, unless it was announced at a former stage of the trial". If, however, those who had been indicated at the earlier stage are not likely to be available, witnesses of a like description should be accepted even though they were not mentioned before, and not an ordeal, *vide* the text:[5] "When witnesses are available a wise man should avoid divine evidence." In the absence of these an ordeal may be admitted as evidence. After this the plantiff must not be allowed to adduce fresh evidence even though he be dissatisfied, as *per* the text of Manu, but the trial should be concluded.

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1. Verse. 221.
2. Ch. I. 62.
3. Of Manu Ch. VIII, 79.
4. Ch. I. 62.
5. Of Manu.

Where, however, the defendant, regarding the witnesses to be faulty on account of their disagreement with his own internal consciousness, is dissatisfied with the witnesses, in such a case there being no scope for a defendant to adduce evidence, the (veracity of) witnesses should be tested by the occurrance of any calamity, either on account of the King or Fate, within the interval of seven days. In such a case, moreover, if they are found to be vicious they should be made to pay the amount of the loan in dispute, and should also be punished, having regard to the amount of the claim in dispute. If, however, no fault is found, the defendant should rest satisfied with that much, as says **Manu**[1]: "He, to whom, within seven days of his witnesses having given evidence, happens (a calamity in the form of) a sickness, a fire, or the death of a relative, shall be made to pay the debt and a fine also". This, moreover, should be observed as an exception to the rule[2] "He whose witnesses depose to the truth of a plaint shall be successful" in referrence to the defendants.

Some explain the text "even after witnesses have given evidence &c." as meaning that, after the witnesses cited by the plaintiff had deposed favourably to the plaintiff, if the defendant by means of more virtuous or a double number of witnesses establishes the opposite of what was said by the first witnesses, then the witnesses of the plaintiff come to be considered as false. This is wrong; because it would be improper for a defendant (to be called upon) to adduce evidence. Because, a plaintiff is he who affirms a point (which is) to be proved; (and) his opponent, who affirms the *negation* thereof is the defendant. Here, therefore, the (necessity of the) proof of the *negation* having a dependence relative upon the proof of the *affirmation*, while (the proof of) an *affirmation* being independent of that of a *negation*, it is proper that the affirmation should be (considered as) the *Sâdhya*[3]; by its very nature a *negation* is

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1. Manu Ch. VIII. 109.

2. Of Yâjñavalkya II. 79, p. 871.

3. Lit. that which is be established;—a point to be proved. The meaning is that the burden of prof lies upon him who asserts that a certain thing exists. This is in a line with the first elementary principle of the Burden of proof: cf. Section 101-104 of the Indian Evidence Act.

impossible to be ascertained by witnesses and other (means of proof), and hence it is proper that the burden should lie upon the plaintiff alone.

Moreover, it is a universal rule that the burden of proof is regulated in accordance with (the nature of) the answer: "When *res judicata* and 'special exception' are set up as a combined plea, the defendant should exhibit proof; in (the case of) the plea of denial, the plaintiff (should exhibit it) In the case of an admission, however, it does not become necessary (at all)." Never, however, will the burden lie on both in the same trial, *vide* the text[1]: "In one suit the burden of proof cannot lie on two litigants". Therefore the suggestion[2] that defendant's witnesses should (be allowed to) testify when they are more qualified or double, (in number) is improper.

It may be said again[3] (granting all this) where two persons both coming as plaintiffs, each saying 'I got this as inheritance from a (deceased) relative' 'I got this as inheritance from a (deceaeed) relative', without having ascertained the priority (of their claim) as to the point of time, in such a case when there are witnesses on both sides, a question might arise as to whose witnesses should be accepted, having regard to the text[5]: "When two persons quarrel for a point, and both have witnesses, the witnesses of him who sets up a prior claim should be heard", the rule deducible would be that the witnesses should be examined for him who first appears[5] as a complainant ? And the procedure (contained in the text) "Even after witnesses have given evidence &c." is intended as an exception to it. And therefore when (in such

1. Of Kâtyâyana verse, 190.

2. *viz.* as to the meaning of this text of Yâjñavalkya.

3. It may be noticed that this objection is raised after the refutation of the last objection, by reference to the text न चैकस्मिन्विवादे &c. The objector says-admitting this to be correct, what if both the litigants are placed in the position of a plaintiff ? In such a case, he maintains that this text should apply; but this too has been refuted in the end by Vijñāneśvara.

4. Of Nārada I. 163.

5. Mark the gloss of बाळंभट्टी 'प्रातिपूर्वत्वाज्ञानेऽपि निवेदनपूर्वत्वज्ञानेन तत्र निर्णयः इति.'

a case) the witnesses of both the prior and the second complainant are equal in merit and number, the witnesses of the first complainant alone should be examined; where, however, the witnesses for the later complainant are more meritorious or are double in number, then the witnesses for the defendant should be examined. And thus there would be no necessity for making a *negation* a *sâdhya,* as both parties here set up an affirmative case, and as also the answer is of a kind different from the four varieties[1] of an answer, and thus there is no (necessity for the) adjustment[2] of the burden of proof. And as even according to the *Siddhântin* the same plaintiff may be put to a double proof in the same trial, so there would be no contradiction in the plaintiff and the defendant being put to two proofs[3] (respectively).

(To this the answer is):—Even this the great teacher[4] does not admit. Such an import is not obtainable either from the express or implied meaning of the term *even* (*api*) in the text: " *Even* after the witnesses have given evidence." So enough of prolixity.

Viramitrodaya

Of the witnesses who have arrived simultaneously, on a contradiction among them, the rule as to the greater or less potentiality of these has been stated. Now the Author states the rule when they appear separately

Yâjñavalkya, Verse 80.

Sâkshibhih sâkshya uktepi, 'even when evidence has been given by witnesses', and as compared with these witnesses, better qualified as mentioned before, *anye*, 'others', of equal number, or also double the number, *i. e.*, witnesses, if *anyathâ*, 'otherwise' *i. e.*, contradictory to the witnesses examined before, *brûyuh*, 'should depose', then, *purvasâkshinah*, 'the first witnesses', *Kûtah*, 'false' *i. e.*, false deponents, *syuh*, 'become'. By the use of the word *wâ*, 'or', in the case of casual witnesses, preponderance in number has been properly adjusted.

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1. See p. 661. lines. 17–19.
2. Cf. विषयव्यवस्था See note 4 on p. 708 above.
3. Here ends the objection.
4. आचार्य *i. e.* विश्वरूपाचार्य.

This, however, before the decision is reached. "When having abandoned strong evidence, one resorts to weak one, he should not again be allowed to resort to that evidence when the members of the Court have come to a decision as to the success (in the proceeding)", this text of Kâtyâyana[1] having an application after the (result as to the) success. The weakness of the evidence being expressed by the word *tyaktvâ*, 'having abandoned', as indicative of a deliberate abandonment, points to the weakness also of the evidence indicated before, and so is the prohibition. (80).

S'ûlapâṇi.

Yâjñavalkya, Verse 80.

After the witnesses have given evidence, if those superior in number or with higher qualifications depose to the contrary, then the first witnesses are (to be regarded as) false witnesses. (80).

False witnesses have been indicated. The Author (now) mentions the penalty for these.

Yâjñavalkya, Verse 81.

The suborner as well as the (false) witnesses should be separately punished with a fine double the amount in dispute. A Brāhmaṇa, it has been laid down, should be banished.

Punishment for false witnesses.

Mitâksharâ :—He who by pecuniary bribes &c. prepares false witnesses is (called) a *suborner*, **kûṭakṛt**, Those, **sâkshiṇaḥ cha**, *witnesses* also, who are thus false, should each separately be punished with a **daṇḍaṃ dwiguṇaṃ**, *fine double the amount*, **vivâdât**, *in dispute*, *i. e.* that which has been prescribed for (the party suffering) a defeat in the case of a defeat in the suit. A **Brâhmaṇa**, however, should be **vivāsyaḥ**, *banished*, *i.e.* expelled from the kingdom, (and) not fined.

This rule, moreover, is to be observed in cases where special motives such as covetousness &c., do not appear, as also when the witnesses are not habituated (to perjury). When, however, a special

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1. Verse, 221.

motive such as covetousness or the like is apparent, or the party is habituated, the rule has been laid down by **Manu**[1]: "He who commits perjury through covetousness shall be fined one thousand (paṇas); (he who does it) through confusion[2] (should be punished) in the (punishment laid down for the) lowest *Sāhasa*; (if he does it) through fear &c. the punishment should be (the same as for) the two middle (Sâhasas,) and (if he does it) through (feelings of) friendship, four times the amount of the lowest *Sàhasa*. (121). He who does it, through lust shall pay ten times the amount for the lowest *Sáhasa* (but), he who does it through wrath, three times the last (of the *Sāhasas*); (he who does it) through ignorance, full two hundred; but (he who does it) through childishness one hundred (paṇas). (122)." Here, *covetousness* (Lobhaḥ) means greed for money: *Confusion* (Mohaḥ)— a distorted impression. *Fear* (Bhayaṃ)—acute fear. *Friendship* (Maitri)—excess of attachment. *Love* (Kâmaḥ)--desire for an intercourse[3] with a woman. *Wrath* (Krodhaḥ)-non-toleration. *Ignorance* (Ajñānaṃ)—indistinct knowledge. *Childishness* (Bâlis'yaṃ) i.e. non-commencement of knowledge. By thousand &c. are intended (to be indicated) the copper *paṇas*.

Similarly[4]: "A just king should, however, fine and banish (men of) the three (lower) orders[5] who give false evidence; a Brāḥmaṇa he should (only) banish". This, moreover, is applicable to (a case of) a habitual (offence), as the present tense has been used in the term: "Kurvâṇâu (कुर्वाणान्), *Three classes* (trîn varṇân) i.e. those commencing with the Kṣhatriya order, should be fined as before, and *banished* (pravāsayet) i.e. should be killed; as the word *prawāsa* is used in the sense 'to kill' in the *Artha-s'âstra*, and as this text is in the nature of an *Artha-s'ástra* text. There also the (particular kind of) *prawásana* viz., cutting off of the lip or the tongue, or deprivation of the life should be observed by regard to the subject-matter of the (particular) perjury (in question). A Bráḥmaṇa, however, should be fined and *banished* i.e. expelled from the kingdom. One from

* Page 51.

1. Ch. VIII. 121–122.
2. मोह.
3. स्त्रीव्यक्तिकराभिलाष, is a better reading.
4. Manu Ch. VIII. 124.
5. Varṇân वर्णान्.

whom clothes have gone is a *vivàsāḥ*. Having prepared the *causal* form indicative of 'one who causes (a man) to be without clothes,' the present form is obtained by dropping[1] the *ṭi*—by analogy to the rule (in the Vártika): "When there is a suffix at the end of words ending in इ the change that takes place is the same as that which takes place when the suffix इष्ठ is at the end" 'Should make naked' is the meaning. Or, that in which one lives is a *vâsa* (वासः) *i. e.* a house. *Vivâsayet* therefore would mean-should demolish his house.

Even in the case of a Brâḥmaṇa, when no special motive such as covetousness &c. is known, nor a habit, only the fine specified in each place respectively (is to be imposed). In the case of a habit, however, there is a pecuniary punishment, as well as banishment. There, also, the rule as regards the several punishments of *vivásana*, stripping off of all raiments, demolishing the house, and banishment from the kingdom, should be observed having regard to the surrounding circumstances such as the caste (of the party), the amount &c. If when no special motive such as covetousness &c. is known, as also when no habit is found, in the case of perjury regarding a small claim, even for a Brâḥmaṇa there will be a pecuniary punishment as is the case with a Kṣhatriya. When, however, the claim is a large one, banishment from the kingdom is (the punishment). Here in the case of a habit, the rule of **Manu** should be observed even in the case of all.

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1. *i. e.* अस् in विवासस्. टि "अचोऽन्त्यादि टि" (व्या० सू० १।१।६४). "The final portion of a word, beginning with the last among the vowels in the word, is called टि". It is that portion of a word which is included between the last letter and the nearest vowel. *e. g.* in अग्निचित् the portion इत् is टि; as also here in विवासस्, the portion अस् is टि.

इष्ठ or इष्ठन्—"अतिशायने तमबिष्ठनौ" (व्या. सू. ५।३।५५)—"When the sense is that of surpassing, the suffixes तमप् and इष्ठन् are used. णिच्–the Causal.

Here the formation of the word विवासयेत् is explained as follows: विवासयेत् *i. e.* should deprive him of his clothes विवाससं करोतीति would be विवाससयति; but the अस् in विवासस् is dropped by analogy to the rule in the case of the तद्धिता इष्ट contained in the वार्तिक "प्रातिपदिकाद्धात्वर्थे बहुलमिष्ठवच्च." *e. g.* in the case of लघु we get लघिष्ठं by dropping the टि, so here also by dropping the टि *i. e.* अस् in विवाससयति we get विवासयति.

It should not, moreover, be supposed that there is no pecuniary punishment for a Brâḥmaṇa. For if there were no pecuniary punishment, corporal punishment being prohibited, it would happen that even in petty offences either the punishment of stripping off of clothes, demolishing the house, branding, or banishment would follow, or that there would be no punishment at all. And this would be opposed to the text[1], "In the case even of persons belonging to all the four orders, for those who do not perform an expiation, legal punishment either corporal or affecting property should be ordered". Also *vide* the text[2]: "A Brâḥmaṇa who carnally knows a guarded Brâḥmaṇi against her will should be fined a thousand (paṇâs)". As to the text of **S'ankha**: "Of the three (higher) orders, (the punishments of) deprivation of property, corporeal chastisement, imprisonment, ordeal, banishment and branding, are ordained for a Brâḥmaṇa". Here on account of the contiguity of corporal chastisement the (punishments of the) deprivation of wealth or of the entire property are intended. For, the (punishments of) corporal punishment and deprivation of entire property have been mentioned together in the text[3]: "As for the Corporal punishment, it begins with (simple) obstruction and extends as far as the deprivation of life; while the pecuniary punishment begins with a *Kâkini*[4] and extends similarly to the loss of the entire estate". As to what has been said[4] "He should be expelled out of the kingdom leaving all his property (to him) and himself untouched," it has a reference to the first act of the nature of Sáhasa, and not to all (kinds of) offences.

A corporal punishment, however, does not ever occur for a Brâḥmaṇa as **Manu**[5] has stated generally viz: "Let him (*i. e.* the king) never slay a Bráḥmaṇa, though he is immersed himself in all (kinds of) sins". Moreover **Manu**[6] says: "No greater crime is

1. of Kātyāyana, verse. 484. 2. Of Manu Ch. VIII. 378.

3. Nârada Appendix 54. And also of Kātyāyana verse. 484.

4. The smallest coin. *e. g.* a Cowrie. It is also described as a money measure, 20 cowries or ¼ of a Paṇa as also that of a Māsha.

5. By Manu Ch. VIII. 380. 6. Ch. VIII. 381.

possible on earth than slaying a Brâhmana ; a king therefore must not even concieve in his mind the idea of killing him (a Brâhmana)".

S'ûlapâṇi.

The Author states a penalty for a false witness

Yâjñavalkya, Verse 81.

Kûṭakṛt, 'The suborner', *i. e.* one who causes false evidence to be adduced, such as the Kshatriya and others, each should be punished with double the amount of that in dispute, as a fine. A Brāhmaṇa, however, with undiminished property, is to be exiled from the country. To that effect says **Manu**[1] : "Never, on any account, should one slay a Brāhmaṇa, although (he is) immerced in all (kinds of) sins ; (the king) should expel him out of the country, with the entire property undiminished[2] A just king should banish from the kingdom after punishment, the member of the three *Varṇas* uttering false evidence ; a Brāhmaṇa however should be banished", and various similar penalties varying according to the offences and the Varṇas, have been stated by **Manu**, but are not stated here for fear of prolixity.

Yâjñavalkya, Verse 82.

He who having been called upon and sworn to give evidence conceals it from others under the influence of passion, should be made to pay an eight-fold fine ; a Brâhmaṇa, however, should be banished.

Mitâksharâ :—Moreover, he whoever, who having accepted to give evidence as of a witness, and **sâkshyam s'râvitaḥ**, having been *sworn to give evidence* along with other witnesses, at the time of his deposition, **tamovṛto**, being *under the influence of passion i. e.* with his mind seized with the feeling of anger &c, **niḥnute**, *conceals*, **sâkshyam** his *evidence*, **annyebhyaḥ**, from *others i.e.* witnesses with the words: "I shall not be a witness here &c." that man **dâpyaḥ**, *should be made to pay* a fine **ashtaguṇam**, *eight-fold* of the amount of the fine (payable) in case of a defeat in the suit. A Brâhmaṇa, however, who is unable to pay an eight-fold amount as fine should be banished. The penalty of banishment, however, should be

Penalty for not giving evidence when knowing (the facts).

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1. Ch. VIII. 380. 2. Ch. VIII. 123.

observed to be either the stripping off of clothes, the demolition of the house, or the expulsion from the kingdom according to the nature of the subject-matter of the suit. In the case of others, however, when an eight-fold amount as fine is not possible, the penalties of doing such labour as is appropriate to the caste, fettering in chains, or incarceration in jail, and like others should be observed. And this, again, should be followed (to be the rule) even in the last verse.

When all withhold evidence, then the liability of all is equal. When, however, having given evidence, they speak falsely, then they should be punished, regard being had to the exigencies (of each case). As says **Kâtyâyanâ**[1]: "Having once given evidence, those who depose to the contrary are liable to be punished, (as) they are guilty of prevarication".

Nor, moreover, ought the witnesses cited by one be approached in secret by another. As says **Nârada**[2]: "One should not approach in secret a witness cited by the other (side), nor should he (try to) win him over through other (means). A party resorting to such practices is (liable) to lose."

* Page 52.

Viramitrodaya.

The Author mentions the penalty for false witnesses

Yâjñavalkya, Verses 81 & 82.

Kûṭakṛtaḥ, 'The suborners', fraudulently carrying on transactions, in short, who make false statements; those witnesses who are of such character, these *pṛthak pṛthaḥ*, 'separately' *i. e.*, each one, *vivâdât dwiguṇam*, 'twice the amount of that in dispute', should be compelled to pay as *daṇḍa*, 'penalty' *i. e.*, should be punished. In some places the reading is कूटसाक्ष्यकृत *Kûṭasâkṣhyakṛta* 'who have been induced to give evidence fraudulently'.

This, moreover, by reason of the many causes such as covetousness and the like as indicated by the word *tathâ*, 'also', to one who has been unnecessarily defeated, an amount of money equal to that in dispute should be caused to be paid as a penalty. This is the substance.

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1. Verse. 406. 2. Ch. I. 165.

A Brâhmaṇa, however, should be driven out of his country, *Smṛtâḥ*, so it has been declared in the *smṛtis*, and is not to be punished by a money fine.

Yaḥ, 'he', however, *sâkṣhyam*, *anyebhyaḥ śrâvitaḥ*, *śrâvitâvân*, 'having been called upon and sworn to give evidence by other' and 'after agreeing', *i.e.*, having declared 'I know this fact', afterwards *tamovṛtaḥ*, 'under a feeling of anger', *i.e.*, with his mind oppressed with a feeling of anger, fraudulently, &c., *sâkṣhyam niḥnute*, 'conceals his evidence', *i.e.*, at the time of making the statement makes trouble, that man should be compelled to pay a penalty of eight times the amount in dispute. For this kind of offence also, a Brâhmaṇa should be banished only; by the use of the word *tu*, 'however' has been excluded a pecuniary penalty.

Viṣhṇu[1] says: "For false witnesses, the confiscation of the entire property". This moreover has a reference to those who are so by habit. Manu[2]: "(If) from covetousness, he should be fined one thousand (paṇas); (if) through confusion, however, the first amercement; (if) through fear, the two midling (amercements) should be the penalty; (if) through friendship, four times the first (121). (If) through lust, ten times the first, while (if) through anger, three times the last; (if) from ignorance, full two hundred (paṇas), and (if) through childishness, one hundred (122). The wise have mentioned these as the punishments for false evidence (81-83)".

S'ûlapâṇi.

Yâjñavalkya, Verse 82.

In the matter of evidence sworn and concealed from others, for him is a penalty of eight times the amount in dispute. The rest is clear.

Not giving evidence, as also giving false evidence has been generally prohibited of the witnesses. The Auther mentions cases by way of exception to it

Yâjñavalkya, Verse 83 (1).

Where men of the (four) orders are (likely) to suffer capital punishment, there a witness may speak an untruth.

1. Ch V. 175. 2. Ch. VIII. 121, 122, 123.

The Author indicates a case where untrue testimony is permissible.

Mitâkṣharâ :—Where, if a fact is deposed to, there is the likelihood of a capital punishment (being given) to *men of the four orders*, **varṇinām** *i. e.* of the *S'ûdra*, *Vais'ya*, *Kṣhatriya* and *Vipra* classes, **sākṣhi anṛtam vadet**, a *witness may speak an untruth*, *i. e* should not speak the truth. And by this prohibition against true evidence a permission for refusing to give evidence, or for giving false evidence is given for witnesses of whom it has been prohibited before[1].

Where *e. g.* in the case of a complaint founded on suspicion, by speaking the truth a *varṇi* is likely to suffer capital punishment, and by speaking an untruth no one is to suffer capital punishment, there an untrue testimony is permitted. Where, however, by speaking the truth either the plaintiff or the defendant is likely to suffer capital punishment, and also by deposing falsely one of the two is likely to suffer capital punishment, there a refusal to give evidence is allowed, provided the king permits. If, however, the king does not let off in any case unless testimony is given, then an incapacity for a witness on account of depravity should be incurred. If that too is impossible then the truth alone should be spoken. For by giving false evidence the taint of a capital punishment for a *varṇi*, as well as that of giving false evidence is incurred. By speaking the truth, however, there would only be the taint of a capital punishment for a *varṇi*. In such a case, moreover, an expiation should be made according to the *S'āstra*.

(It may be said) then there would be no sin in giving false evidence or in maintaining silence, as the same has been permitted by *S'āstra*, so the Author says

Yâjñavalkya, Verse 83 (2.).

For purification from that (sin), the special oblation of rice known as the Sāraswata should be presented by the twiceborn.

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1. Yājn I. 82 p. 884.

Mitâksharâ :—Tatpâvanāya, *for purification from that (sin), i.e.* for the atonement of the sin on account of the false evidence, or a refusal to give evidence, **Sâraswata charu,** *the rice oblation,* **nirvāpyaḥ,** should be *presented,* by **dwijâs,** *the twice-born,* each separately. A sacrifice wherein the presiding deity is the goddess **Saraswati** is (called) a *Sāraswata*: The word *charu* is well known as indicative of boiled rice which is hot and from which water has not been allowed to flow out (while it was boiling).

Here this is the meaning: False evidence or a refusal to give evidence which has been prohibited for witnesses before has here been sanctioned. This expiation is in reference to the transgression of the rules generally prohibiting the giving of false evidence or not giving any, and as is to be found in the texts: "One should not tell an untruth"; "a man incurs a sin by not giving evidence, as also by giving a distorted one[1]".

It may be objected that this text which is in the nature of a sanction is meaningless inasmuch as even with this text allowing witnesses to tell an untruth or not to speak at all, the text propounding the sin incurred by reason of the infringement of the general rule prohibiting witnesses from either speaking an untruth or not speaking at all, remains where it was. But it is not so. For the sin accruing from the infringement of the rule prohibiting witnesses from telling an untruth or not speaking at all is great, while that due to the infringement of the general rule is small, and thus the text in the nature of a permission has a meaning.

Although in other cases the removal of (the taint of) a greater sin would also secure the removal of the smaller sin which is (only) a part (of the greater one), still here by reason of the (special) sanctioning text, as also by reason of the rule as to expiation, it appears that by the removal of the greater (sin) the smaller one is not removed although it is a part of it.

This text should also be understood as a permission for speaking an untruth, or not speaking at all, in the cases such as those of travellers and others where there is the danger of a capital

1. Manu Ch. VIII. 13.

punishment being passed upon a *warni.* And as there is no other (special) prohibition, there would be no (necessity for an) expiation. In case the real facts are disclosed in course of time by other causes, the absence of a punishment for witnesses and others also is inferrable from this very text.

Here ends the Chapter on Witnesses.

Viramitrodaya.

Thinking of an exception to the penalty etc. for false evidence, the Author proceeds

Yâjñavâlkya, Verse 83.

Yatra, 'where', *varṇinâm*, 'of the *varṇis*' *i. e.*, of the Brâhmaṇa, Kshatriya, and the Vaiśya, *vadhaḥ*, 'capital punishment', *i. e.*, loss of life, results upon stating the truth, *tatra*, 'there', *sâkshi*, 'a witness', *anṛtam*, 'an untruth' *i.e.*, such as may be of use in preventing the loss of life, *vadet*, 'may speak'.

Tatpâvanâya, 'for purification from that' *i.e.*, for the wiping off of the (sin of) false statement by means of a penance, *Sârasvataḥ*, *i. e.*, intended for the goddess Saraswati, as stated before, *nirvâpyaḥ*, 'should be offered', thus by means of a part, the (whole) sacrifice has been indicated.

It should not in contended that here the making of a false statement having been permitted, performence of a penance is incongruous; for although this is an exception to the rule stated before regarding the sin generated by the false statement of a witness, still to the general rule about the sin resulting from a false statement, no exception having been stated, the performance of a penance becomes possible.

Some say, that here is a case of a resort to an unavoidable course, by reason of this sin being smaller as compared with the sin consequent upon the execution of a member of the *Varṇas*.

In[1] fact, in this case no sin is generated; by the expression 'for purification from that' it is meant to indicate that there is an absolute

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1. Here Mitramiśra gives his own view which in short is that just as killing an animal in a sacrifice is no sin, as it is done under an injunctive text, so here also there is no sin at all. The analogy, however, does not hold here, the expression तत्पावनाय 'for the *purification* of *that*' in terms assumes that there is something which requires purification.

absence of the sin generated by non-action in the making of a false statement, just as is the case in the killing in a sacrifice. And hence also in the text[1]: "Where, as the result of a (true) statement, the loss of life is possible of a Śudra, Vais'ya, Kshatriya, or a Bráhmana, there an untruth may be stated ; that (*i.e.*, untruth) far excels the truth", **Manu** has stated an absence of sin. **Gautama**[2] also: "No guilt is incurred by giving evidence, in case the life (of a being) depends upon it ; not, however, of a very wicked (individual)". In this connection, **Manu**[3] has stated another mode of penance: "Or one may offer oblations of clarified butter in the Fire with the *Kûshmânda* hymns according to the ritualistic procedure, or with the *ṛk* '*udit*', or with the *ṛk* addressed to *Varuṇa*, the three *ṛks* addressed to the God of water." **Vishṇu**,[4] "A Śudra, however should offer fodder for ten cows (which would be sufficient) for a day."

Thus, in the commentary upon Śrimat—**Yâjñavalkya** ends the **Chapter on Witnesses**

S'ûalpâṇi.

The Author mentions an exception to the speaking of the truth

Yâjñavalkya, verse 83.

Varṇînâm, 'of the *varṇis*' *i. e.* of the four *varṇas* such as the Brāhmaṇa and the rest, where *vadha*, 'killing' is possible, there a witness may speak an untruth. For the wiping off of the sin thereby generated, a sacrifice to the goddess Saraswati should be offered.

Although, it has been stated in the text of **Manu**[5], "Never should one kill a Brāhmaṇa" still in the case of a king with a strict enforcement of panalties, killing of a Brāhmaṇa becomes possible. This is to be understood as being done by mistake. So also **Gautama**[6]: "There is no sin in (stating) an untruth, if the life (of a being) is dependent upon it, but not the life of a very wicked (one)." (83).

Here ends the chapter on Witnesses.

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1. Ch. VIII. 105.
2. Ch. XIII. 24-25.
3. Ch. VIII. 107.
4. Ch. VIII. 17.
5. Ch. VIII. 381.
6. Ch. XIII. 24, 25.

Chapter VI.

OF DOCUMENTS.

* Page 53.

Possession and witnesses have been explained. Now begins the consideration of documents.

Here, a writing is of two sorts, a *S'asana* (a royal grant), and a *Jânapada* (executed between citizens). *S'asana* has been explained[1]. (Now) Jânapada is being explained. That, moreover, is twofold—one in his own handwriting, and the other in another's hand. Of these, that in one's own handwriting may be without any attestation, while that in another's hand should bear attestation by witnesses. These two are accepted as proofs having regard to the usage of the country, as says **Nârada**[2]: "A Document has been said to be of two kinds (1) in the handwriting of the party himself, and (2) in that of another person, and respectively not having or having attesting witnesses thereon. The validity of the two (kinds of documents) depends upon local usage."

Of these the Author mentions documents in the handwriting of another person

Yâjñavalkya, Verse 84.

In every transaction where an amount has been agreed to by a contract entered into by mutual consent, there should be made a writing about it with (the attestation of) witnesses (thereon), and with the name of the creditor,

Mitākṣharā:—Between the creditor and the debtor whatever **arthaḥ**, *amount, e. g.* gold &c. **parasparam swaruchchyâ**, *by mutual consent, e. g.* "so much should be paid after such and such an interval; so much should be the monthly rate of interest &c."

1. See Yājnavalkya Achārādhyâya Verse 318 p. 580, ll. 4–7.

2. Ch. I, 135.

Regarding documents in the hand of another person.

nishṇâtaḥ, *has been agreed to by a contract, i. e.* settled; in reference to such an amount, if in course of time a dispute arose, for the determination of real facts, **lekhyaṃ sâkshimat**, *a writing with* (the attestation of) *witnesses* (thereon) *i. e.* with the attestation of witnesses of the qualtities as described above, **dhanikapūrvakam**, (commencing) with *the name of the creditor*—that wherein the creditor is (mentioned) first is a *dhânkapurvakaṃ*—that is to say, where the name of the creditor is mentioned first-**kāryaṃ**, *should be made, i. e.* should be executed. Or persons, possessing the qualifications mentioned above should be made witnesses. *Vide* the text: "In disputes regarding whatever act has been done by a party, either witnesses, or a document in his own hand is ordained for establishing the transaction."

S'ûlapâṇi.

Yâjñavalkya, Verse 84.

Yaḥ Kaśchit, 'whatever', in the form of a loan transaction, *arthaḥ*, has been fixed by mutual consent, 'by such an interval so much is to be paid' and the like, in such a transaction, a document with witnesses *i. e.* a document bearing witnesses, should be made and that too by first putting the name of the creditor before the name of debtor is written. (84).

Yâjñavalkya, Verse 85.

And containing, among other things, the year, the month, the half of it, the day (of the month), the names, the castes, and the names of their own gotra, as also the scholastic title, and the names of self, father, and such other details.

Mitâksharâ :—Moreover, **samâ**, the *year i. e.* the cyclial year; **mâsaḥ**, *month, e.g. Chaitra* &c; **tadardhaṃ**, *the half of it, i.e.* the fortnight *i. e.* the bright or dark (half); **ahaḥ**, *the day, i. e.* the date, such as the *pratipad* &c; **nâma**, *names, i. e.* of the creditor and the debtor; **jâtiḥ**, *caste, i.e.* Brâhmaṇa &c; **swagotraṃ**, *the names of their own Gotra. e. g.* Vâsishṭha &c. containing these *i. e.* the year &c.

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1. Of Nârada.

&c. Similarly, **sabrahmachârikam**, *the scholastic title*, *e.g.* he is the master[1] of many branches of learning *i. e.* his academical title, such as 'Katha the master of many branches,' **âtmiyapitṛnâma**, *the name of self and father*; *i.e.* the name of the fathers of this creditor and the debtor. By the (use of) the term **Âdi**, *such other*, are included the amount, the caste, the quantity of the amount, the day of the week &c. A writing, containing these[2] ahould be executed ; this is the connection (of this verse) with the last (verse).

S'ûlapâṇi.

Yâjñavalkya, Verse 85.

Gotra itself is *sagotra*; *sabrahmachârikam*, 'the scholastic title' such as, a student of such and such *S'âkhâ*, that writing should have noted on it, the year &c. By the use of the word *âdi*, 'and the like', also of the thing, quantity, kind, and the like. (85).

Yâjñavalkya, Verse 86.

After the contract has been executed completely the debtor should enter his name with his own hand (at the end) with the words: " what is written above has the assent of me the son of such (and such) a one."

Mitâkshârâ :—Moreover, the contract which was agreed to between the creditor and the debtor by mutual consent, **samâpte**, *after it had been completely executed*, *i. e.* written down, **ṛṇi**, *the debtor*, *i. e.* the person who incurs (the liability of) the loan, **nives'ayet**, *should enter*, *i. e.* write in the document his own name **swahastena**, *with his own hand*, *i. e.* with the words: " Whatever

Consent of the debtor.

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1. The original in वह्वच:—Doctor of learning.

2. Referring to this rule in a case of a will made by a Hindu, which was not written by the testator, nor in which was his signature attested, Sir M. Westropp *C. J.* observed: " We do not think that we are bound to apply this rule strictly, at all events to documents such as wills, which were not recognized by Hindu Law, and were therefore, not within the contemplation of the author." *Radhabai v. Ganesh* I. L. R. 3 Bom. 7 at p. 8.

has been written above in this document, **matam**, *has the assent of me, i. e.* is what was intended by *me,* **mama**, the son of such and such"

S'ûlapâṇi.

Yâjñavalkya, Verse 86.

The meaning (of this verse) is plain. In the case of one ignorant of writing, **Vyâsa** states a special rule: "A debtor who is ignorant, should cause his assent to be written; or even a witness (who is ignorant) by a witness, or by any other in the presence of all witnesses." (86).

Yâjñavalkya, Verse 87.

The witnesses also, should subscribe in their own hand with their fathers' names before theirs, thus: "Here, so and so, am a witness;" these (witnesses) should be equal.

* Page 54.

Mitâksharâ :—Similarly, those persons who have been indicated *as* **sâkshiṇaḥ**, *witnesses*, in that document, these also should each separately, **swahasténa**, *in their own hand,* subscribe their names preceded by those of their fathers with the words: "I so and so, Devadatta, am a witness to this transaction." These, moreover, should be (so) selected (as to be) **samâḥ**, *equal*, in number and quality also.

If a debtor or a witness is not literate, then the debtor through another person, and the witness also through another witness, should in the presence of all the witnesses, cause his declaration to be written down. As says **Nârada**: "A debtor who is illiterate should cause his declaration to be put in writing in the presence of all the witnesses, so also should a witness (who is illiterate have it written) by another witness".

S'ûlapâṇi.

Yâjñavalkya, Verse 87.

Samâḥ, 'equal' *i. e.* equal in qualifications. Those who, however, are ignorant of writing should have it written—thus it has been stated before. (87).

Yâjñavalkya, Verse 88.

" Being desired by both the parties this was written by me so and so, the son of so and so.", thus at the end (of the document) should the writer then subscribe.

Writer's endorsement.

Mitâks'harâ:—Moreover, then **lekhako**, the *writer*, **ubhābhyám prârthitena**, *being requested* by *both*, *i.e.* the creditor and the debtor—"By me such and such Devdatta, the son of Vishṇumitra this document **likhitam**, *has been written* ", **iti ante likhet**, *thus at the end he should subscribe*.

Now the Author mentions about a document made in one's own hand

Yâjñavalkya, Verse 89.

Although it be without witnesses, a writing which is in one's own hand, all that is declared to be evidence, except when it is caused by force or fraud.

Mitâks'harâ :—**Yallekkhyam**, *that writing*, which has been written by the debtor in his own hand, such a writing, **tat sâkshibhirvinâpi**, *although it be without witnesses*, has been laid down by **Manu** and others to be evidence, **balopadhikṛtādṛte**, *except when it is caused by force or fraud*, *i. e.* with the exception of that which has been caused by *force i. e.* compulsion, or by *fraud i. e.* in the form of (creating) deception, temptation, anger, fear, intoxication &c. **Nârada**[1] also says: "That document has been laid down as invalid[2] which has been executed by a person intoxicated, by one against whom a charge had been pending, by a woman, or by a child, and that which had been executed under compulsion; also that which has been caused by fear or fraud ".

Such a document, moreover, whether it be written in one's own hand or in that of another, whether it be passed in the course of a transaction with or without security, should thus far be written conformably to the usage of the country, and should be without

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1. Ch. I. 137.

2. अप्रमाण—unreliable as evidence.

prejudice to the rules as to the sequence of sense and the order of words, and should be without dropping any letter or alphabet. It need not, however, be necessarily (couched) in nice language ; it may be written even in the peculiar native language of the particular locality. As says **Nârada**:[1] "That document is said to be valid which is not opposed to the custom of the country, the contents of which answer to the rules regarding pledges, and which is not in disregard of the rules about the sequence of ideas and words."

That which explains in detail is a (rule) *vidhiḥ*. The rule (vidhi) regarding a pledge (âdhi) *i. e.* for executing a pledge. Its characteristic *i. e.* 'a pledge for custody', a 'usufructuary pledge', a 'pledge with a time limit' &c. That wherein its characteristics are distinct is *vyaktâdhividhilakshaṇam* 'the contents of which answer to the rules regarding pledges &c.; *Aviplutakramâksharam*, 'which is not in disregard of the rules about the sequence of ideas and words'. Sequence *i. e.* of ideas (*krama*). *Krama* and *aksharas* make up the compound word *kramâkshara*. That wherein the sequence of ideas and words has not been disregarded is *aviplutakramâkshara*. Such a document of this description, is legal evidence. There is no rule as regards nicety of language here, as in the case of a royal grant. This is the meaning.

Viramitrodaya.

Now the Author expounds the document as a means of proof

Yâjñavalkya, Verses 84, 85, 86, 87, 88, 89.

A document is of two kinds, (one) made in one's own handwriting, and (the other) made in another's hand. Of these, the last should be made with witnesses etc. The first, (even) without witnesses is good evidence if not made under compulsion or through fraud. This is the difference. But a possibility exists of a suspicion arising about a document written in one's own hand, and with a view to dispel it, that also should be made with witnesses on. Other kinds are of the ordinary particulars.

Yaḥ kaschit, 'whatever', *arthaḥ*, 'transaction', in the form of a loan or the like, *parasparam*, 'mutually', by the debtor and the

1. Ch. I. 136.

creditor, *i.e.* between both, by the consent of each, *nishṇâtaḥ*, 'agreed to', *i.e.* was established, in such a transaction, *lekhyam*, 'a document', with the name of the creditor first written, in the form of recitals couched in expressive language (84). Together with *samâ*, 'the year', *mâsa*, 'the month', *tadardham*, 'its half', *i.e.* the fortnight[1]; *ahaḥ*, 'the day', *i.e.* the date as well as the day of the week. Together with this, the names of the debtors and the like others who have been the recipients of the loan by its acceptance, also of both the debtor and the creditor, *jâtiḥ*, 'caste' such as, a Brâhmaṇa and the like; *sagotram*, 'together with the *gotra*', *i.e. gotra* only—at some place the reading is *swagotraka*—containing these.

Along with *Kaṭha* and the like others, *samânam* one who studies the *Brahma*, *i.e.* a branch of the Vedas, is a *sabrahmachâri*, 'of the same school'; such a portion. *Sabrahmachârikam*, 'the scholastic title' of the debtor and the creditor, the fact of their pursuing the study of *Kaṭha* or a like other branch (of the Vedas), *âtmiyam*, 'of one's' *i.e.* of the creditor and the debtor, *pitarau*, 'the parents' their names. By the use of the word *âdi*, &c. are included the amount, its kind, and quantity, and the like; marked with these, should be made.

By the use[2] of the word *tu*, 'however', are excluded those made under compulsion or by fraud; by the second use is excluded one without a document when the document is written by another. This, moreover, should be borne in mind, that even if written by another, a document if admitted to be an extremely honest transaction is good evidence even if it be without a witness; otherwise, however, the decision is to be reached by means of witnesses. There, the document is used as a means of reminder to the witnesses.

Artha, 'the contract', when (it is) completely written down; *ṛṇi*, 'the debtor', *yadatra patre lekhitam*, 'whatever has been written in this document', that, *matam me amukaputrasya*, 'has the assent of me the son of so and so.' Thus, after having written this in order, he should write his own name with his own hand, and enter it in the document.

In the case of one ignorant of writing, **Vyâsa** states a special rule: "A debtor who is ignorant, should cause his assent to be written; or even a witness (who is ignorant), by a witness, or by any other, in the presence of another and the witness." (86).

'With witnesses', so has been stated. There, the Author mentions the mode—*sâkshiṇascheti*, 'witnesses, &c.', *samâḥ*, 'equal', *i.e.*

1. पक्ष :—either the bright or the dark half of a month, शुक्ल or कृष्ण.

2. *i. e.* in verse 84.

with equal qualifications, *te*, 'these', *i.e.* the witnesses, *swapitṛnâmalekhanapûrvakam*, 'with their father's names written before', *atra*, 'in this transaction', *aham amukaḥ*, 'I, so and so' by name, *sakṣhi*, 'am a witness', thus *swahastena*, 'in their own hands', *likheyuḥ*, 'should (they) write'. Those who are ignorant of writing should cause it to be written; this is indicated as an addition by the word *cha*. (87).

Tataḥ, 'thereafter', *i.e.* after the name of the witness was written, *lekhakaḥ*, 'the writer', *i.e.* the writer of the document, *ubhâbhyâm*, 'by both' *i.e.* by the creditor and by the debtor, *arthitena*, 'being requested', by name so and so, by myself this, *likhitam*, has been written', thus *ante*, 'at the end', *i.e.* rounding up the remaining portion of the document to be written, himself *likhet*, 'should write'.

By the use, twice, of the word *hi*, the object of recording the request, and also the understanding of the import of the document, has been pointed out. (88).

Vinâpîti, 'even without, &c.', has been explained before. By the use of the word *tu*, is excluded a document written by another and executed with attestation. *Sarvam*, 'all that', by this is expressed all the writings, viz., of the plaintiff, witnesses, the writers of the documents, etc. (84–89).

S'ûlapâṇi.

Yâjñavalkya, Verses 88, 89.

The meaning (of Verse 88) is plain.

A document written by the hand of the debtor, even though it be without attestation, still it is good evidence, provided it does not happen to have been caused to be made under compulsion or by fraud. *Upâdhiḥ*, 'fraud' *i. e.* deceit. So Bṛhaspati[1]: "A document executed by a dying person, an enemy, one oppressed with fear, a woman, a suffering person, one intoxicated, distressed by a calamity, at night, by fraud, or by force, does not hold good". (89).

While discussing the rules about documents the Author mentions the rule that a debt entered into a document should be paid by three (generations in descent) only.

1. Ch. VIII. 23.

Yâjñavalkya, Verse 90 (1).

A debt evidenced by writing should be paid however by (persons in) three (generations) only.

Mitâksharâ :—As a debt evidenced by a witness should be given by three (generations) only, so also it is ordained that a debt evidenced by a document should be paid by the borrower, his son, and the sons of that son *i. e.* by three (generations) only, and not by the fourth and others.

An objection :—Indeed by the text[1] "sons and grandsons should pay a debt", it has already been established as a general restrictive rule that a debt should be paid by three only.

The answer :—True. But this text has been mentioned with a view to meet a suggestion which may likely be made that a debt entered in a document might be understood as an exception to this general rule on the strength of its having been found in another *Smṛti.* For, after mentioning the characteristics of a document it has been said by **kâtyāyana** : "Thus, an ancestral debt is made payable after the (proper) time has passed". Thus an ancestral debt which is entered into a document is made payable even though the time (for payment) has passed. Here by the use of the plural in *pitṛṇâm*, 'of the ancestors' as also from the expression 'time has passed' it is inferrable that the fourth (descendant) and others may be made to pay[2]. Moreover, **Hârîta** also has said: "To him in whose possession the document purports to be, should payment be directed to be made." Here also by the general rule that 'the debt is his who has the document in his custody', the inference arises that the payment of debts may be made to the fourth (descendant) and others. Therefore it is proper that the present text is for the purpose of removing the doubt. The two texts, moreover, should be supplied in pursuance of the text of the *Lord of the Yogis*[3].

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1. Verse 50 See p. 792.

2. See *Masit Ullah* vs. *Damodar Prasad* 53 I. A, 204; 48 All 518. Also *Sheo Ram vs. Durga* 3 Luck, 700. Where the Privy Council held that a son was bound by the sale of ancestral property by the father for paying off a debt of his grandfather i. e. the grandfather of the son.

3. *i. e.* The sage Yâjñavalkya.

The Author mentions an exception to it

Yâjñavalkya, Verse 90 (2).

A pledge, however, is enjoyed as long as it is not paid off.

Mitâksharâ :—The non-liability for paying a debt having become established by the (general) rule in the text: " A debt is payable by three only, although it is reduced to writing and is with a security," an incapacity for recovering a debt might also be inferred. With a view to (avoid) this, the Author has stated this (text).

By saying that 'a pledge may be enjoyed even as long as the debt is not paid off, whether by the fourth or the fifth' a capacity has been indicated in favour of even the fourth (person in descent) for redeeming a secured debt.

An objection :—But this too has been once stated already in the text[1] : "a usufructuary pledge never lapses".

The answer—True, still if this text which is in the nature of an exception, were not given, it (*i. e.*) the capacity would be confined to three persons only. Thus everything is without a fault.

Viramitrodaya

A document, sometimes is not regarded as conclusive evidence. The Author states that

Yâñjavalkya, Verse 90.

A loan which has been entered in a document, *tribhireva*, by (descendents to) three (generations) only, *deyam*, 'should be paid'. By the use of the word *eva*, 'only', are excluded the great-grandson and others. Therefore the meaning is that even if there be a document, a loan cannot be enforced against a great-grandson and others. By the use of the word *tu*, 'however', is excluded the liability of the grandson to discharge a surety liability included and joined to the word *ṛṇam*, 'debt.'

Ádhiḥ, 'a pledge', a possessory pledge such as land, &c., *tâvat bhujyate*, 'is as long enjoyed', *yâwat*, 'so long', *tad*, 'that', pledge, *i.e.* that debt is not paid back by the debtor to the creditor. The meaning is that in that way, therefore a document of pledge evidences a good claim even beyond three generations. (90).

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1. Verse 58 at p. 820. l. 18.

S'ûlapâṇi.

Yâjñavalkya, Verse 90.

A loan as described before entered in a document, excepting a pledge, should be paid by (members of) three generations; not, however, by the fourth. In regard to the rule laid down in the text[1]: "by the son and the grandsons the debt must be paid", this text is intended for limiting it. Where a debt has been advanced after taking a pledge, there this rule does not apply; so Manu[2]: "In regard to (amorous) women, at marriages, for the cow's fodder, as also for fuel, and (in anything) in favour of a Brâhmaṇa, for a (false) swearing there is no sin". (90).

Having disposed of a matter which had occasionally arisen, the Author resumes the subject in the context proper.

Yâjñavalkya, Verse 91.

If a document is in another country, is badly written, or is lost, as also, if it is stolen; likewise if it is torn, burnt, or cut asunder, another should be allowed (by the king) to be made (in its place).

Regarding worn out and other documents.

Mitâksharâ:—The rule which is now being laid down is that when a document has become unfit for a suit, another should be made. And unfitness for a suit arises, when the document is **des'ântarasthe**, *placed in another country*, which is at a long distance; **durlekhye**, when the document *is badly written*, that is—wherein the writing *i. e.* the character or words are bad *i.e.* ambiguous or unintelligible, is (called) a badly written document; in such a badly written document. **Nashṭe**, *lost*, *i. e.* in course of time; **unmṛshṭe**, *effaced*, *i. e.* where the characters and letters have been rubbed off on account of the weakness of the ink.; **hṛte**, *stolen*, *i.e.* by robbers &c.; **bhinne**, *torn*, *i. e.* tattered; **dagdhe**, *burnt*, *i. e.* has taken fire; **chhinne**, *cut asunder*, *i. e.* when it is cut into two separate pieces.

This (rule applies), moreover, when there is mutual consent of the plaintiff and the defendant. In the case of a difference, however,

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1. Verse 50 p. 792.
2. Ch. VIII. 113. It does not appear why this verse is cited here.

and when parties go to law, time should be allowed (as may be necessary, for producing the document which is in another country, having regard to the inaccessibility and badness of roads.

In the case of a document which is lying in a place which is inaccessible, or which is lost, a suit should be decided by means of witnesses only. As says **Nârada**[1]: " When a document has been transferred into another country, or burnt, or badly written, or stolen, time should be allowed in case it should exist still; if it be not in existence, the evidence of those who have seen it decides the matter". In the case of a document which exists *i. e.* is still in existence, for producing it from another country *time should be allowed i. e.* an interval of time should be granted.

In the case, however, of that which does not exist *i. e.* has ceased to be in existence, the suit should be decided by examining those witnesses who have seen it before. When, however, there are no witnesses, then the decision should be made by (a resort to) an ordeal, *vide* the text:[2] " In a suit where a document or witnesses are unavailable, the divine proof should be exhibited". This refers to a document between (private) citizens.

Similar is (the case with) a Royal grant. This, however, is the difference: "[3] A document is known as a Royal grant which bears on it the King's own handwriting, and which is marked with his own signet seals; it is (valid as) evidence in all transations." Similarly another (kind of) royal deed[4] evidencing success has been mentioned by **Vṛddhavasishtha**: "That is called a *jayapatraka* (a document evidencing success) in which is indicated the manner how the point at issue was proved, which contains the answer as well as the proof, and which has also the decision (recorded) in it. To the litigant who wins and who has established his point, the *jayapatraka* should be delivered over impressed with the Royal seal and having the signature

1. Ch. I. 146. 2. Of Kâtyāyana, Verse 224.

3. See Kâtyâyana, Verse, 258.

4. A जयपत्रक a decretal documenent, *decreta*, a decree and judgment. *Jayapatraka* is a " certificate of success" supplied to the successful litigant as evidence of his success in the particular suit. A *Hinapatra*—" a certificate of defeat " is only evidence that a particular person was defeated in a particular plea or pleas in a certain litigation.

thereon of the Chief Judge in his hand." Similarly the councillors also should add in their own handwriting thus: "This is approved by me the son of so and so &c." *vide* the text of **Manu**: "And also the councillors such as are versed in the *Smṛtis* and the *S'âstra,* should add (in) their own hand just as in the (case of) procedure (prescribed) for documents". Moreover, a proceeding is not declared to be free from defect except with the unanimous consent of the councillors, as says **Nârada**[1]: "That (decision of a) dispute is considered to be without a dart where all the members of the judicial assembly declare, 'This is right', otherwise the dart remains in it."

* PAGE 56.

Moreover, this rule applies only in the case of a judicial proceeding which contains (all) the four components; *vide* the text[2]: "That is declared to be a *jayapatraka* which proves the matter in issue, which contains (all) the four components, and which also bears on it the Royal seal." Where, however, there is a defeat, as in the text[3] "One who alters his former statement, one who shuns a trial at law, one who does not put in an appearance, one who makes no reply, as also one who absconds after being summoned—these are the five varieties of a faulty (*Hîna*) litigant."—in such a case no *jayapatraka* is given, but only a *hînapatraka*—a certificate of a defeat. This (last) moreover is given with the object of imposing a penalty in course of time, while a *jayapatraka* is (given) with the object of establishing the plea of *res judicata.* This is the distinction.

Viramitrodaya

When a document, executed at the time of the transaction of the loan, by reason of its location in another country or a like cause, is not likely to be available for being proceeded upon at the time of the action, another document should be made. That, moreover, when agreed to by both is good evidence; so the Author says

Yâjñavalkya, Verse 91.

When a document is *deśantarasthe,* 'located in another country', *i.e.* lying in a place other than the one in point; *dushṭe,* 'is faulty', *i.e.*

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1. Ch. III. 117. 2. Of Kâtyâyana.

3. Nârada II. 33. The meaning is that here the plaintiff was put out of the court on account of a defeat in his side; and not that the defendant got success after a contest.

the letters in which are ambiguous; *nashṭe*, 'is lost', by the paper being destroyed; *unmṛshṭe*, 'effaced' owing to the weakness of the ink, the letters in which are rubbed off; *bhinne*, 'torn', *i.e.* on account of the papers being separated, cut into two; *dagdhe*, 'burnt', by fire; or *chhinne*, 'cut asunder', *i.e.* being cut into tatters, being split into two; *annyallekhyam*, 'another document', *kârayet*, 'should be caused to be made'.

By the use of the word *tathâ*, 'likewise', is included the compound word formed; and by *cha* is included the one taken away by a thief. By the use of the word *eva*, 'also', the making of another document is excluded in the absence[1] of its being located in another country, &c. If the other side, with a sinful desire for appropriation, does not accept the former document, then after having established (the fact of) the former document by means of witnesses and the like means, another document should be made. (91).

S'ûlapâṇi.

Yâjñavalkya, Verse 91.

Unmṛshṭe, 'effaced', brought about by a defect in the ink; by the use of the word *bhinne*, 'torn', *i. e.* cut, *chhinne*, 'tattered', *i. e.* shattered, another document with the consent of both may be caused to be made. (91).

The Author mentions the ways of deciding a case when a doubt or dispute about document arises

Yâjñavalkya, Verse 92.

The genuineness of a doubtful and disputed document may be established by (comparison with other) documents and (other writings) of the party (written) in his own hand, and by similar other means; as also by presumption, by confrontation of parties, by direct proof, by marks, by previous connection, by (a probability of) title and by inference.

Mitâksharâ:—Lekhyasya, *of a document,* **sandigdhasyâ,** which has been *doubted* as to whether it is genuine, **s'uddhiḥ,** *the*

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1. *i. e.* the several circumstances mentioned in the text such as its being in another country, or lost &c.

genuineness, **syāt**, *becomes established*, **swahastalikhitâdibhiḥ**, *by comparison with other documents and similar (other writings) of the party*, *i. e.* by (establishing) the genuineness by (means of) another document which was written by him in his own hand. The meaning is that if the letters are similar, the genuineness would be established.

By (the use of) the expression, **ādi**, *such other*, it is implied that the genuineness is established by (pointing out) a similarity with other writings of the witnesses, or the writer, written in their own hands (with the one in dispute). A conclusion arrived at by regard to probability is a *presumption*, **yuktiprāptiḥ**; *Prâptiḥ*—is the (presumption arising from the) connection with the thing in dispute, with the country, period, and persons. A *yukti*—is a probative reasoning as *e. g.* in 'It is probable that this (particular) thing may belong to this (particular) individual", **kriyā**, *direct proof*; *i. e.* the adducing of witness evidence on the point; **chinhaṃ**, *marks*, *i. e.* distinctive marks such as a *S'ri* (श्री) &c.; **sambanhdhaḥ**, *previous connection*, *i. e.* the mutual relations of advance and acceptance (of loans), even before, between the plaintiff and defendant on account of mutual confidence; **āgamaḥ**, *title*, *e. g.*—" he has established a reliable origin of title to the subject-matter in dispute by so much."—These only are the circumstances. By means of these circumstances the genuineness of a disputed writing may be established. This is the context[1].

When, however, a decision cannot be arrived at in the case of a disputed document, then the decision should be made by the help of witnesses, as says **Kātyāyana**[2]: " When (the genuineness of) a document is disputed the plaintiff should cite those (as witnesses) who appear therein."

This text applies to a case where it is possible to have witnesses. In the case, however, where it is not possible to have witnesses, the text of **Hârīta** applies, *viz.*—" Where a party says—'I did not execute this document, he (*i. e.* the other party) has forged it'—then keeping aside that document, the decision should be made by means of an ordeal."

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1. अन्वय—the order or connection of words in a sentence.
2. Verse, 283.

Viramitrodaya

The Author mentions the means of removing the doubt about the unreliability of a document.

Yâjñavalkya, Verse 92.

Of a document regarding which a doubt has been raised as to whether it is genuine or not genuine, *śuddhiḥ*, 'genuineness', *i.e.* the certainty of its goodness is determined by noting a good resemblance between it and another writing which is (admittedly) written by the opponent with his own hand. By the use of the word *âdi*, 'and the like', it is indicated that with the handwriting of the writer of the document in which the witnesses have subscribed, on a comparison with another document, the appearance of a good resemblance with the writing of the document would establish the genuineness.

Yukti, 'presumption', *i.e.* a contrary inference from the statement *i. e.* 'At present there is no money, it will be paid by me in another month', and the like. *Prâpti*, 'receipt', *i.e.* the receipt of interest stipulated in the document of loan; *kriyâ*, 'proof', in the form of statement of witnesses; *chinḥam*, 'mark', a special mark particularly characteristic of the writing by the opponent, e.g. *śri*, etc.; *sambandhaḥ*, 'connection', such as in regard to the subject-matter of the dispute such as an ear- ring, &c., a finding about the relationship of a creditor, &c., *âgamaḥ*, 'title', *i.e.* of the subject-matter of the suit, such as a purchase, &c., before that; by these causes also the genuineness may be established. (92).

S'ûlapâṇi.

Yâjñavalkaya, Verse 92.

Yuktipráptiḥ, 'presumption by confrontation', in this form:—"In this time, at such a place, it appears probable for this man to have his property, and in the like"; *Kriyá*, 'direct proof', *i. e.* the evidence of the witnesses; *chinḥam*, 'marks' *i. e.* special signs; *sambandhaḥ*, 'connection', *i.e.* of the person offering and the one accepting; also by former writings &c. in his own hand a connection with the acceptance, a document about which a doubt has been raised, one may be examined.

By the use of the word *âdi* are included the hands of the witness, of the writer, and of himself. So says **Kâtyâyana**[1]: "When there is doubt about the hand-writing of the debtor, whether he be living or dead, (by a comparison) with other documents written in his own hand, the decision about the documents (in question) should be reached". (92).

1. Verse 286.

Thus when after the document is established as genuine, as also the liability to pay the debt (a question might arise as to), what should be done if a party is unable to pay the entire debt? So the Author says

Yâjñavalkya, Verse 93.

The debtor should write on the back of the bond each payment made by him after making such payment; or the creditor should endorse the amount received by him marked in his own hand.

An endorsement on the deed.

Mitâkshară:—When the debtor is unable to pay the entire debt, then he should pay according to his means, and write the same on the back of the bond thus: "So much was paid by me;"—or the creditor should endorse *i. e.* write on the back of the document itself whatever amount was **upagatam**, *received, i. e.* got *by him*, thus,—"So much was received by me." How?—**swahastaparichinhitam**, *marked in his own hand, i. e.* marked by letters written in his own hand. Or, (it may mean this) *viz.* that the creditor should give to the debtor a note of acknowledgement of receipt marked by letters written in his own hand.

S'ûlapâṇi.

Yâjñavalkya, Verse 93.

When the debtor is unable to discharge the entire debt, as much amount as he pays, so much the debtor should cause to be endorsed on the back of the debt-bond. The creditor also should give a writing for the endorsement. As says **Vishṇu**[1]: "When the whole amount in entirety has not been paid, the credior should pass a writing in his own hand". (93).

What should be done with the document when the entire debt has been paid off? so the Author says

Yâjñavalkya, Verse 94. (1)

After paying the debt, the document should be caused to be torn, or another should be caused to be made for (evidencing) the acquittance.

1. Ch. VI, 26,

Mitâkṣharâ :—Either by instalments or at once, in its entirety **datwā**, having *paid*, **ṛṇam** a *debt*, **lekhyam**, the *document*, executed before, should be caused to be torn.

When, however, the document happens to be in an inaccessible place or is lost, then the debtor **kârayet**, *should cause*, the creditor to pass to him another document **sudhyai**, *as evidencing the acquittance*. *i. e.* discharging him from his obligations as debtor. The meaning is that the Creditor should pass a deed of discharge to the debtor in the order mentioned before.

* Page 57.

What should be done when a debt incurred in the presence of witnesses is to be discharged entirely ? so the Author says

Yâjñavalkya, Verse 94 (2)

And a debt which was incurred before the witnesses should be paid off in the presence of witnesses.

Mitākṣhará :—That debt, however, which was incurred before witnessess should be paid off only in the presence of those who had previously witnessed it.

Here ends the Chapter on Documents.

Viramitrodaya.

Just like the document of the loan, the document evidencing its discharge is also a good evidence ; so intending, the Author says

Yâjñavalkya, Verses 93, 94.

Lekhyasya, 'of the document', *i.e.* of the paper, *pṛṣhṭhe* 'on the reverse' side, as he goes on paying the amount in small instalments, so after each payment, *ṛṇiko abhilikhet*, 'the debtor should write.' After having paid the entire loan, however, the document of loan given by himself, *pâṭayet*, 'should cause to be torn', *i. e.* should be cut into pieces.

When, however, the debt-bond is not at hand, *śudhyai*, 'for the acquittance', *i.e.* as evidencing the certainty about the cessation of his liability as a debtor, *annyallekhyam*, 'another document', reciting the fact of the discharge, *kârayet*, 'should be caused to be made'.

This is to be particularly noted: A debt which has been taken in the presence of witnesses, that should be paid off in the same manner. By the use of the word *cha*, it is indicated that in the absence of one's own handwriting, the mark of the handwriting of an honest man is to be admitted. By the use of the word *tu*, 'however', in a debt incurred without witnesses, the discharge in the presence of witnesses is excluded. By the use of the word *cha* is included a payment without witnesses of a loan incurred without witnesses. (93, 94).

Thus in the Commentary on S'rimat Yâjñavalkya, ends the Chapter on Documents.

S'ûlapâṇi.

Yâjñavalkya, Verse 94.

When the whole amount in entirety has been paid off, the debt bond should be torn. If, however, the document is not available, by way of evidencing the acquittance, another document should be caused to be made. When a loan has been taken in the presence of a witness, it must also be paid in the presence of a witness. (94).

Here ends the chapter on Documents.

Chapter VII.

OF THE ORDEALS.

Human evidence has been said to be three-fold *viz.* consisting of documents, witnesses, and possession.

It is now the turn of ordeals; and the Author wishing to expound ordeals as a means of evidence lays down the procedure in ordeals by the first five *s'lokas* commencing with "The balance, the fire &c." (Verse 95). There, presently, the Author mentions the ordeals

Yâjñavalkya, Verse 95 (1).

The balance, the fire, the water, the poison and the kos'a, are the ordeals, (prescribed) here for exhoneration (from an accusation).

Mitâkṣharâ:—The five ordeals *i. e.* those beginning with the balance and ending with the *kos'a* should **iha**, *here*, *i. e.* in the *Dharma-S'âstra*, be offered for **visuddhaye**, *exhoneration*, *i. e.* for removing an ambiguity about a doubtful point. [95 (1)].

Elsewhere have been mentioned other ordeals, even such as *the rice* and like others, *vide* the text of **Pitâmaha** : "The balance, the fire, as also the water, the poison, and similarly the *kos'a*, likewise the rice; these are the ordeals; and the seventh is the heated *Mâṣha.*" Then why say these only? So the Author says

Yâjñavalkya, Verse 95 (3rd quarter).

These are (to be resorted to) in trials on serious accusations.

Mitâkṣharâ :—**Etâni mahâbhiyogeṣhveva**, *these in trials for serious offences only*. This restrictive rule[1] which is here laid down means that these are to be resorted to only in cases of serious accusations, and not that these are the only ordeals. The Author will mention further on the test of seriousness.

An Objection—' Indeed, the *kos'a* also is prescribed even in ordinary suits '—*Vide* the text[2]—" The (ordeal of) *kos'a* should be caused to be offered even in small (charges)."

The Answer—True. The mention of (the ordeal of) *kos'a* among (those of) the balance and others is not indicative of its being limited to serious charges only, but it implies its extention even to *Sâvaṣhṭambha*[1] complaints, otherwise it would be extended even to complaints on suspicion. *Vide* the text[3]: " In the case of those against whom a complaint has been made together with a wager, (the ordeals of) balance and the like should be ordered ; while (the

1. Of Pitâmaha.

2. A complaint wherein the complainant undertakes to pay a penalty in the case of his failure in establishing his allegations is called a *Sâvaṣhṭambha* Complaint—an *Aavṣhṭambha* is explained as—स्वोपरि दण्डांगीकारोऽवष्टंभः ।

3. Of Pitâmaha.

ordeals of) the rice and the *kos'a* (should be) in complaints of suspicion only. There is no doubt about this."

It may thus be thought that this rule may be applied invariably in the case of serious complaints, complaints on suspicion, and complaints with a wager, so the Author mentions an exception

Yâjñavalkya, Verse 95. (last quarter.)

When a plaintiff[1] has (agreed) to abide by the result (of the ordeal).

Mitâkṣharâ :—These *i. e.* the (ordeals of) balance and others become applicable to the plaintiff **abhiyoktari s'irṣhakasthe,** *when the plaintiff has (agreed) to abide by the result (of the ordeal).*

S'irṣhaka—is the head *i. e.* the fourth part of a suit indicative of the success or defeat—and by this is indicated the punishment.—He who agrees to abide by it is a *S'îrs'hakâsthaḥ. i. e.* amenable to the punishment laid down in it (*i. e.* the decision).

Viramitrodaya.

It has been stated[2] before : 'In the absence of any of these, the ordeal is said to be another'. There, the Author expounds the ordeals by an entire chapter

Yâjñavalkya, Verse 95.

Bṛhaspati[3]: "The (ordeal by) balance, fire, water also; poison, and *kośa* the sacred water the fifth; (of) rice has been declared as the sixth; and the seventh the heated *mâṣha* coin; eighth has been stated to be the ploughshare; and *Dharma*, the ninth. All these ordeals have been pointed out by the Self-born".

Of the nine ordeals thus enumerated, these five ordeals, *i. e.* the balance, &c., in serious charges only, such as gold-stealing and the like for the *śirṣhakastha*, 'one who has agreed to abide by the decision',

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1. अभियोक्ता—Lit. person making complaint.

2. *i. e.* the restriction is as to their *application,* and not as to the *kinds.*

3. Ch. X. 4-5.

i.e. the complainant for *viśuddhaye*, 'for his exhoneration', for the removal of suspicion (against him) *iha*, 'here', *i.e.* in the Dharma Śâstra have been prescribed. *S'irṣhaka* means the offer to bear the penalty upon the success of the matter of the ordeal.

If it be argued that having regard to the text: 'the *kośa*, may be administered even in petty cases', even in charges of a small character, there is *kośa*; the answer is, true, it is so. But, under the text: "For those against whom an accusation has been brought (accompanied) with a wager, one should direct the (ordeal of) balance and the like; the rice also and also the *kośa* in cases of suspicion, no doubt", in accusation accompanied with a wager the *kośa* not being mentioned, this mention of the *kośa* 'for a plaintiff who has agreed to abide by the result' is by way of an exception. As for: "In cases where the plaintiff has not offered to abide by the result, the four ordeals viz., of the balance and others should be avoided; *kośa* has been stated to be where the plaintiff has not (so) agreed". In this text of Pitâmaha, *kośa* has been stated to be where there is no agreement by the plaintiff to abide by the result; that has a reference to an accusation based on suspicion. (95).

S'ûlapâṇi

In the absence of a document, or in the absence of a possibility of a decision about a document, is the ordeal. That the Author states

Yâjñyavalkya, Verse 95.

The balance and those other ordeals *Mahâbhiyogeṣhu*, 'in charges for serious offences', such as gold-stealing &c., *Abhiyoktari Śirṣhakasthe*, 'when the complainant has to abide by the result', *iha*, in this *Śástra*, have been stated. *Śirṣhaka*, is the head. That, moreover, here in the case of the success of the opponent, has been agreed to by oneself.

In minor charges, however. as stated in other *Smṛtis* the *rice* should be given. The oaths, moreover, should be caused to be taken in the form of the touching of the son's head or similar other acts. These **Bṛhaspati** mentions: "The balance, fire, water, poison, and fifthly the Kośa; the rice has been declared as the sixth; the seventh, a heated *Máṣha*, is declared. The ploughshare, the eighth, and the ordeal by Dharma as the ninth". (95).

By the text[1] "Next the plaintiff should immediately have written down the evidence by means of which the matter in dispute

1. Verse 7 See p. 660.

(or alleged) is (proposed) to be established", the rule of evidence for an affirmative allegation only has been laid down. The Author says by way of an exception to it.

Yâjñavalkya, Verse 96 (1).

* Page 58.

Or, by consent, any one may perform (the ordeal), and the other may submit to the judgment[1].

Mitâksharā:—**Ruchyâ**, *by consent*, *i. e.* by the mutual consent of the complainant and the defendant; **anyataraḥ**, *any one*, *i. e.* either the complainant or the defendant, **kuryât**, *may perform*, the ordeal, **itaraḥ**, *the other*, *i. e.* the defendant or the complainant (as the case may be), **wartayet**, *should submit to*, *i. e.* take upon himself the **s'iraḥ**, *judgment*, *i. e.* to the corporeal or pecuniary punishment (specified therein).

The meaning is this: Ordeal evidence cannot be confined to the affirmative proof alone, as is the case with human evidence, but it is established both by affirmative and negative proof. And hence in the plea of denial, or of confession and avoidance, or of *res judicata*, an ordeal is permissible according to the option either of the plaintiff or of the defendant.

Viramitrodaya.

It has been stated[2] that, "when there are witnesses for both sides, those for him who claims priority should be taken first." There the word 'witness' is merely indicative of evidence; an ordeal is intended for a particular (kind of) plaintiff, 'Never should any one order a complaint for an ordeal again' in this text has been stated by Manu also. The Author states an exception to it

Yâjñavalkya, Verse 96 (1).

Of the plaintiff and the defendant, of both, whosoever may have a desire for an ordeal; thus where there is their desire for a performance (of an ordeal) or for its non-performance there the rule 'when

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1. शिरः:—Lit. means the head, the top. *i. e.* last or fourth part of a trial. *i. e.* that part which declares the success or defeat of parties and the punishment consequent upon it.

2. Verse 17 above; p. 696.

there are witnesses for truth, &c.' should be read and is applicable as explanation. 96 (1).

It has been said above that the ordeal of *kos'a* is permissible in petty complaints, in a serious charge, as also in a charge founded on suspicion, or accompanied by a wager. While a restrictive rule has been laid down that the ordeals beginning with the balance and ending with (that of) the poison shall be (resorted to) only in serious charges and in complaints accompanied by a wager. There, the Author mentions an exception to the expression—" Only in complaints with a wager"

Yājñavalkya, Verse 96, (2).

In the case, however, of high treason, and also of sin (of an aggravated type), a party should (be allowed to) perform an ordeal even though the other party do not submit to the judgment.

Mitâkṣharā :—**Râjadroha**, in charges of *high treason*, or of **pâtaka**, *sins*, such as the *Brâḥmicide* and like others, one, **kuryat**, *should perform*, the ordeal of the balance etc. even if there be none who has offered to submit to the judgment ; and also in charges of robbery, as has been said[1] : "An ordeal should be allowed to those, who have fallen under suspicion of kings, as also those who have been pointed[2] out along with robbers, and who are anxious to get themselves exhonerated." The (ordeal of) rice, moreover, should be given in charges of petty thefts only, *vide* the text of **Pitâmaha** : " In the case of theft, however, the (ordeal of) rice should be offered, and in none other; this is certain." The (ordeal of the) heated *mâṣha*, however, (should be observed) only in a charge of robbery, *vide* the text:[3] " The heated *mâṣha* is ordained in a charge of robbery". Other oaths,

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1. By Nârada and Pitâmaha.

2. निर्दिष्टानां च दस्युभिः—This is a very ambiguous expression. It may be interpreted in many ways. One way of interpreting it is as translated-above—" pointed out along with or marked as robbers "—दस्युत्वेन निर्दिष्टानामित्यर्थः. Other ways are—' enumerated or cited or referred to along with or by robbers '. The one selected in the text would appear to be preferable.

3. Of Pitâmaha.

moreover, refer to petty disputes over small amounts. *Vide* the text of **Nârada**[1]: " (Let him be sworn by) the[2] truth, vehicle, and by his weapons, as also by his cows, grain, and gold ; venerable deities or revered ancestors, by their pious gifts or meritorious deeds. He should (be made to) touch the head of his sons or wives, or even of his relatives. Or in all charges the drinking of the *kos'a* water also— These are the (kinds of) oaths prescribed by **Manu** in petty cases."

The oath

Although oaths also are regarded as an ordeal by reason of the fact that an ordeal is generally understood by the people to be that which decides a point which cannot be determined upon by (means of) human evidence, still a distinction is indicated between these and the ordeals of the balance and others in that, (while) the one is resorted to by reason of the fact that while in the case of one[3] a final decision is obtainable immediately without any interval of time, in case of the other a decision is obtained only after an interval of time, on the analogy of the rule in the '*Brâhmaṇa* and *Parivrâjaka*' **maxim.**[4]

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1. Ch. I. 248–250.

2. Ways of swearing several orders have been given by Manu Ch. VIII. 113, see Supra. p. 860 ll. 10–20.

3. This passage requires an explanation. Ordeals are of two kinds. (1) One in which the truth or falsehood of a claim is determined immediately on the spot without any interval of time, and (2) the other which requires some interval of time for a like determination. The ordeals of the *balance, fire* &c. are instances of the first, because if the man suffers injury in the performance of the ordeal, his defeat is determined then and there. The ordeal of an oath is an instance of the second, inasmuch as under the rules of this ordeal if any calamity befalls a party within a certain period after he takes an oath, he is presumed to have taken a false oath. This necessarily requires an interval of time to elapse. Thus the two types are distinguishable on the ground of their capacity to induce a *prompt* or a *deferred* decision (समनन्तरानिर्णयनिमित्तत्वेन & कालांतर-निर्णयनिमित्तत्वेन).

3. This is called the ब्राह्मण-परिव्राजक-न्याय. In such a sentence as ब्राह्मणानामन्त्रय परिव्राजकांश्च the separate and additional mention of परिव्राजकs, who generally are included in the former term, merely emphasises their position as a special part of the general body. So here also, although the balance and oaths equally are both ordeals, still the latter have been specifically mentioned in order to bring out their capacity to induce a decision after an interval of time.

The Kośa

The enumeration, however, of (the ordeal of) *kos'a* along with (those of) the balance and the rest is due to its applicability to serious charges and to complaints accompanied by a wager, and not to (any) similarity with the ordeals of the balance and the rest, nor to its being helpful in enabling an immediate decision without any interval of time.

Rice and Mâṣha

As for the (ordeals of) rice and the heated *mâṣha*, although they are helpful in securing an immediate decision without any interval of time, still as they are prescribed in petty complaints and in complaints on suspicion they are distinguished from the (ordeals of) balance and the like and hence their non-enumeration along with those; and this is a satisfactory explanation.

These ordeals and the oaths also may be resorted to in disputes regarding debts and the like, having regard to exigencies.

As for the text of **Pitāmaha**, *viz.* "In disputes regarding immovables, ordeals should by all means be avoided", that is to be understood as meaning that when evidence in the form of documents or (the testimony) of neighbours and the like is available, ordeals should by all means be avoided.

An objection.—Indeed ordeals are also inadmissible even in other suits when other (kind of) evidence is available.

Answer.—True. In suits for the recovery of debts and the like, (nevertheless) even after the plaintiff has exhibited his witnesses (duly) qualified as mentioned before,[1] if the defendant resorts to an ordeal after giving an undertaking to suffer punishment (in case of failure) then an ordeal is also permissible. For it is likely that the witnesses may have corrupt motives, while an ordeal is free from all (such) faults, and the object of a law-suit is to find out the truth about the point in dispute, as indicated in its definition. As says **Nârada**[2]: "A decision based on an ordeal which is truth itself is a real decision according to *Dharma*, while a decision based on witness evidence is a merely legal decision. When a point can be

1. Verses 68, 69, p. 846.

2. Intro. Verse 11—The second half of the verse is different.

established by divine evidence, human or documentary evidence should not be used." The rule *viz.* "in disputes regarding immovables, when direct evidence such as the evidence of neighbours or the like is available, an ordeal should not be allowed even if the defendant resorts to it after giving an undertaking to suffer punishment (in case of failure)"—has been stated to remove the idea of an alternative[1] course. The text of Pitâmaha, *viz.*: "in disputes about immovables &c." is not intended to exclude ordeals absolutely as otherwise there would be the possibility of a non-decision when documentary evidence, testimony of neighbours, or similar evidence is not available.

Viramitrodaya.

'When the plaintiff has (agreed) to abide by the result,' thus it has been stated; the Author states an exception to it

Yâjñavalkya, Verse 96 (2).

When there is an accusation of a suspected treason against the king, or a heinous sin such as Brâhmicide is suspected, ordeals may be performed without an offer of an agreement to abide by the result. By the word *atha*, 'and also', are included theft and the like offences.

That has been stated in the Kâlikâ Purâṇa: "In charges for adultery with other men's wives, as also for theft, and forbidden intercourse, and for great sins, shall an ordeal be ordered by the king. When there is a mutual conflict, and a wager is laid in a trial, there only the king should administer an ordeal preceded by an agreement to abide by the result. In an accusation for adultery with others' wives, where the complainants happen to be many, an ordeal shall be ordered without an agreement as it is for self exculpation." Vishṇu[2]: "In charges for treason against the king, and also in assaults, the proceedings are commenced without an agreement to abide by the result." Pitâmaha: "For those who have fallen under the suspicion of kings, as also those who have been pointed out along with robbers, and also those who are anxious to have their innocence established, the ordeal should be offered with an agreement to abide by the result." Nârada[3]: "Even without an agreement to abide by the result the king may administer

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1. The meaning is that the alternative of an ordeal as an optional course is not allowed in disputes regarding immovables. The optional application has been restricted to specific cases. For विकल्प &c. See note 4. on pp. 708-709 above.

2. Ch. IX. 22.   3. Ch. I. 270.

ordeals to his dependents." Also[1]: "An ordeal is proper only when the complainant offers to abide by the result of the test, excepting when ordered[2] by the king." 96 (2).

S'ûlapâṇi.

Yâjñavalkya, Verse 96.

The person complained against, or the complainant may at their option (any one may) perform the ordeal. The other should offer to abide by the result. In cases of treason against the king, and in grave sins and the like (charges), however, even without any offer, the ordeal should be performed. Ay says **Vishṇu**[3]: "In charges of treason against the king, and of *Sâhasas* even without an agreement to abide by the result". **Pitâmaha**: "In cases where persons have fallen under the suspicion of kings, and also those who have been pointed at along with robbers, and those who are anxious to get themselves exhonerated, an ordeal may be administered without any offer (from the other side)". (96).

General Rules of procedure as to Ordeals.

Yâjñavalkya, Verse 97.

Having summoned one who has clothes on, who has bathed, and has observed a fast, (the Chief Judge) should at sunrise cause him to undergo (any of) all the ordeals in the presence of the King and of the Brâhmaṇas.

Mitâkshârâ :—Moreover, **Prâdvivâkaḥ**, the *Chief Judge* **âhûya**, *having summoned*, at sunrise one, who on the previous day **uposhitam**, *has observed a fast i. e.* on the previous day, **sachailam snâtam**, and who, *has bathed with clothes on* in the presence of the king, as also of the Brâhmaṇas and Councillors, **kârayet**, *should cause him to undergo*, (any of) *all the ordeals* **sarvâṇi divyâni**.

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1. Narada Ch. I. 269.

2. नृपशासनात् is the reading in Viramitrodaya. The printed text of Nârada has नृपहिंसनात् 'excepting in cases of high treason'.—'यत्रा पुनर्नृपस्यहे काचिद्धिंसा कृता भवति' असहायः

3. Ch. IX. 22.

"To one who has fasted for three nights, or to one who has fasted for one night only, and who has purified himself and has wet clothes on, ordeals should always be administered". This optional rule as to fasting as laid down by **Pitâmaha** is to be actually interpreted by regard to the strength or weakness of the party, as also to the importance or triviality of the charges under consideration. The rule as to fasting, moreover, is applicable also to the Chief Judge who causes the ordeal to be undergone: "In the case of ordeals, (also) the Chief Judge who has fasted should by the King's permission himself observe all the necessary forms." *Vide* this text of **Pitâmaha**.

Here also although the expression used is "at sunrise" without any particularisation, still having regard to the practice among the wise and the respectable, the ordeals should be administered on a Sunday. And even there, the special rule laid down by **Pitâmaha**,[1] should be observed *viz.*: "In the first part of the day, shall be the test by fire; during the first part also shall be the balance; in the midday, however, the (ordeal of) water should be administered by one who desires to allow the principles of *Dharma*. In the first part of the day is proof by (the ordeal of) *kos'ha* ordained; while in the latter part of the night which is quite cool, (the ordeal of) poison may be offered."

As for the ordeals of the rice, the heated *mâṣha*, and the like for which no special period has been prescribed, the administration should be also in the first half (of the day), *vide* the text of **Nârada**[2] which is quite general *viz* :—"In the forenoon, in regard to all the ordeals, has the administration been proclaimed."

Dividing a day in three parts, the first part is called the *Purvāṇha*[3], the middle the *Mādhyâṇha*, and the last the *Aparâṇha*.

Moreover, another rule as regards the particular time has been indicated by texts which are in the nature of affirmative and negative injunctions. Of these, those indicated by affirmative injunctions

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1. Also Nārada. See Aparārka p. 697. 2. Ch. I, 269.

3. Translated either as First part or "forenoon."

are as follows:—"For (the ordeal by) fire the cold seasons[1] of *S'is'ira* and *Hemanta*, also the autum season of *Warshâ* have been prescribed; in the *S'arat* and *Grīṣhma* seasons the (ordeal by) water is (administered), and in the seasons of *Hemanta* and *Sis'ira* the (ordeal of) poison. The month of *Chaitra,* and of *Mârgaṣirṣhha,* as also of *Vaiṣākha* are months generally for all the ordeals as they are not unfavourable to these. The (ordeal of) *kos'a,* however may be administered always, and the balance at any time." The mention of *kos'a* is indicative by implication of all the oaths. Moreover the (ordeal of) rice may be administered at all times, since no special rule is mentioned (for it).

That indicated by negative inujnctions is as follows—"In the cold season, 'there cannot be a purification by (the ordeal of) *water*, nor can there be in the hot season a purification by *fire*. Not in the rainy season should (the ordeal of) *poison* be administered, nor also in the midst of a heavy gale the (ordeal of) *balance*; nor in the afternoon, nor in the twilight time, nor ever at mid-day".

By the use of the word *cold* (*S'ita*) in the text "there cannot be a purification by water in the season" the seasons of *Hemanta, S'is'ira,* and *Warshâ* are also included by implication. And in the text: "nor can there be a purification by fire in the hot season," the repetition of the prohibition in the case of the *Grishma* and the *S'arada* seasons which was already established by the affirmative injunction, is indicative of a *special* injunction (आदरार्थम्). The circumstances justifying (an ordeal) however will be mentioned further on.

Viramitrodaya

The Author states the procedure generally for ordeals

Yâjñavalkya, Verse 97.

At the sunrise the Chief Judge should summon the performer of the ordeal who has bathed with clothes on and make him perform all the ordeals in the presence of the Brâhmaṇas, *vide* Pitâmaha: "To one

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1. ऋतु:—A season, or periods of the year commonly reckoned to be six. as: "शिशिरश्च वसंतश्च ग्रीष्मो वर्षाः शरद्धिमः" *viz.* Śiśira, Vasanta, Grīṣhma, Varṣhâ, Śarat and Hemanta.

who has observed a fast for three nights, or to one who has fasted for one night, should always be administered the ordeals, to one who has cleansed himself and has a wet cloth on." The option as to a three-nights' or one night's fast is to be determined by regard to the capacity (of the performer), and by a discrimination between a serious charge and a petty complaint.

Also "In regard to the ordeals, all acts the Chief Judge should perform like the Chief priest in a sacrifice, with the observance of a fast and under the order of the king." This fast of the Chief Judge, however, is in the case of the worship of the subordinate dieties in the ordeal.

Here although it has been stated—'at the sunrise' in general terms, still from the usage of the respectable, Sunday is particularly meant. *Vide*[1] **Nârada**: "In the fore-noon only has been declared the administration of an ordeal". **Pitâmaha**: "In the fore-noon shall be the test by fire; and in the forenoon also shall be the balance; in the mid-day, however, should water be administered by one who desires to follow the principles of *Dharma*. In the first part of the day, the purification by *kos'a* has been ordained; while at night in the latter period should be administered poison, when it is quite cool". Similarly, "The month of *Chaitra* and also *Mârgas'irṣha*, and similarly also *Vais'âkha*, these are the months generally for all ordeals, as they are not unfavourable. The Balance has been stated to be for all seasons: it should be avoided when a violent wind is blowing. The (ordeal by) fire has been declared to be during *S'is'ira*, *Hemanta*, and *Varṣhâ*; during the *S'arad* and the *Grîṣhma*, the (ordeal by) water, and in the *Hemanta* and the *S'is'ira*, the poison". **Nârada**[2]: "During the cold season, there cannot be the purification by water; nor can in the hot season there be the purification by fire; not during the rainy season should poison be administered; nor, O king, during a violent storm, the balance". Here, in the word cold, are included the *Hemanta*, *S'is'ira* and the *Varṣhâ*. By the word hot, are included the *S'arad* and the *Grîṣhma*.

In the **Astrology**: "When Jupiter is in *Leo* or in *Capricorn*, as also when Venus is in obscurity, and in the intercalary month, the test should not be performed by one desirous of success. In a clean Sun, as also of the Jupiter. Nor when Venus has become invisible; also when the Sun is in the *Leo*, a test is not ordained by the wise. Not on the eighth, nor on the fourteenth, shall there be a test by

1. Ch. I. 269. 2. Ch. I. 259.

expiation. The test as also the inauguration shall be on a Saturday or a Monday".

Here, briefly the general procedure for ordeals is being written thus:—In the bright half, on an auspicious day, after having finished his daily performances, and with the observation of a fast, the performer after having got first the benediction repeated by the Brâhmaṇas, should select and appoint the Chief-Judge just as the chief Priest. The Chief Judge also after he is chosen and appointed, after the manner of the ritual of the consecration and donation of a tank, having performed the inauguration sacrifice, with the observance of a fast, on the day following, after having observed the daily performrnces, on a Sunday, should repeat thus: "Come, O divine Dharma come; enter this ordeal, along with the Guardians of the world and the groups of the *Vasus*, *Âdityas* and the *Marutas*. There with a wet cloth on, the performer of the ordeal should perform the ordeal as ordained. Here the fast for three nights is for a performer of the ordeal who is capable. This is the distinction. (97).

S'ûlapâṇi.

Yâjñavalkya, Verse 97.

'At sunrise', *i. e.* in the fore part of the day. **Nârada**: "To a man who has observed a fast for a day and night, who has bathed and has a wet cloth on, in the fore part of the day has the administration of all ordeals been declared". By this, the expression "who has bathed with clothes on" has a reference to wet clothes.

By some even this verse is not repeated. But **Vis'varûpa** has included it in the text (97)

The author mentions special rules in the case of (several) persons liable (to an ordeal).

Yâjñavalkya, Verse 98.

The (ordeal by) balance is (prescribed) for a woman, a child, an old man, a blind man, a cripple, a Brâhmaṇa, and one diseased; (an ordeal by) fire or water (is for Kṣhatriyas or Vaisyas respectively); for a S'ûdra (the ordeal by) poison weighing seven barley-corns only.

Mitâkṣhârâ :—stri, *Women, i. e.* all women without regard to any particular caste, age, or position; **bâla,** a *child,* until he attains the sixteenth year, without regard to the particular caste; **vṛddhaḥ,** an *old man, i. e.* one who is above eighty; **andhaḥ,** *blind man, i. e.* one deprived of the eyesight, **panguḥ,** *a cripple, i. e.* deprived of the use of the feet; **brâhmaṇa,** *A Brâḥmaṇa, i. e.,* the whole caste (Brâḥmaṇa); **rogi,** *diseased, i. e.,* one affected by a disease. The restrictive rule laid down is that for the purification of these, the (ordeal of) balance alone is allowed.

Agniḥ, *the (ordeal by) fire,* as also (that of) the plough (*Phâla*), and the heated **mâṣha**[1] is for a Kṣhatriya; **jalam,** *water,* alone is for a Vais'ya. The word **wa,** *or,* has a restrictive sense. **Viṣhasya yawâḥ,** *the barley-corns of poison,* **saptaiva,** *i. e. seven only* are (ordained) **S'ûdrasya,** *for* (the purification of) *a S'udra.*

By ordaining the (ordeal of) *balance* for a Brâḥmaṇa, and the (ordeal of) poison weighing seven barley-corns only for a S'udra, the (ordeals of) fire or water come to be ordained for the Kṣhatriya and the Vais'ya. This very thing has been made clear by **Pitâmaha:** "For a *Brâḥmaṇa* the (ordeal of) balance should be offered, the (ordeal by) fire for a Kṣhatriya, for a Vais'ya the water (ordeal) has been ordained, and (the ordeal of) poison should be administered to a S'udra. "

As to what has been said[2] that there should be no ordeal in the case of women &c. *viz:* " An ordeal should never be administered to persons engaged in performing a vow, to those afflicted with a heavy calamity, to the diseased, to the ascetics, or to women, if the rules of *Dharma* are to be attended to "—that is for removing the rule of option laid down in the text[3]—" or, with consent, the other may perform the ordeal."

* Page 60.

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1. माष :—is a particular weight-measure of gold ; it is either the 1\20th part of a *Pana.* ' माषो विंशतितमो भागो पणस्य परिकीर्तित: "—or is the eightfold of a *Gunja* गुंजाभिरष्टाभिम.'ष:—known in the Indian gold market as a mâsâ (मासा).

2. By Nârada I. 256.

3. Of Yâjñavalkya II, 96 see p. 913 l. 6-7 above.

The purport is this: In complaints regarding obstruction, when women are the complainants, the ordeal is allowed only for the persons complained against; and even when these[1] are the defendants, the ordeal shall be for the complainants only. In cross-complaints, however, an option only is allowed; and by this text even there, a restrictive rule has been imposed as to the balance only. Moreover, in complaints on suspicion about heinous sins, the (ordeal of) balance alone is prescribed for the women and others.

Thus this text has a purpose, in that it lays down a restrictive rule as to ordeals in the case of women and others when all ordeals are possible in the months of *Margas'iraḥ*, *Chaitra*, and *Vais'âkha* which are common to all ordeals.

Nor, moreover, should it be supposed that, (the ordeal of) the balance alone is prescribed for women at all times, since a rule has been laid down for their purification by the (ordeals of) balance, *kos'a*, and fire, omitting (those of) the poison and water in the text[2]: "And the (ordeal by) poison has not been ordained for women, nor has the (ordeal of) water been laid down; the real truth at the bottom should be sought for from them by means of the (ordeals of) balance and *kos'a*"; similarly the rule should be applied in the case of a child and others.

Similarly, even in the case of the Brâhmaṇas and others also, the rule as to the (ordeal of) balance &c. does not always apply, *vide* the text of **Pitâmaha** *viz*: "Purification by (the ordeal of) *kos'a* is ordained for all members of all castes; all these ordeals hold in the case of all with the exception of (the ordeal of) poison in the case of a Brâhmaṇa. Therefore when at the common periods the ordeals are equally possible this text is intended to restrict it to that of the balance only. During other periods, however, the ordeals prescribed at the respective times are (allowable) for all. Thus: "In the rainy season fire alone is (prescribed) for all. In the seasons of *Hemanta* and *S'is'ira* there is an option in the case of the three castes, *viz*. of the Kṣhatriya and others for the (the ordeals of) fire and poison. For a Brâhmaṇa, however, the (ordeal of) fire alone, and never (that of)

1. *i. e.* the women etc. 2. Of Nârada.

poison, is allowed; *vide* the prohibition (contained) in the text[1]: "with the exception of (the ordeal of) poison in the case of Brâḥmaṇa." During the seasons of *Griṣhma* and *S'arada* (the ordeal of) water alone (is allowed). Of those, however, for whom (the ordeals of) fire &c. are prohibited having regard to the special maladies from which they might be suffering, e. g. in the text.—" The (ordeal of) fire should be avoided in the case of the lepers, and (that of) the water in the case of persons suffering fom cough and heavy breathing; and the (ordeal of) poison should always be avoided in the case of persons suffering from billious or phlegmatic complaints"—in the case of such persons, even in the periods (specially) mentioned for (the ordeals of) fire &c. the common ordeals of the balance &c. alone are allowed. Similarly, having regard to the text—" (The ordeals of) water, fire and also (of) poison should be administered to strong men"—even in the case of weak men, having regard to the prohibitive rule in general, such ordeals should be administered as are conformable to the (special) caste, age, and surrounding circumstances, and as do not offend against the rules as to seasons and time.

Viramitrodaya.

In regard to the ordeals the Author mentions rules for the performer

Yâjñavalkya, Verse 98.

For one who is below the age of sixteen, for the aged, for the blind, for a cripple, for a Bráḥmaṇa, and also for one suffering from a disease, *Balance* is the ordeal. For a *S'ûdra*, however, the Fire, Water, or of the Poison, (in which) portions measuring seven *yavas* may be given.

Nârada[2]: "For a Brāḥmaṇa the *Balance* should be given, for a Kṣhatriya, the *Fire*, the consumer of oblations; for a Vais'ya should be given *Water*, and for a *S'ûdra Poison* only. Generally for all, the *kośa* has been declared by the thoughtful, excepting the *poison* in the case of a Bráḥmaṇa; for all, however, the *Balance* has been stated".

Kâtyâyana[3]: "For a member of the kingly order the *Fire*, the *Balance* for the *Vipra*, and for the Vais'ya the *Water* should be administered; or for all, all the ordeals, excepting the *poison* in the case of the

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1. Of Pitâmaha. See above. 2 Ch. I. 334, 335.

3. Verses, 422–423.

foremost of the twice-born. The twice-born who follow the occupation of tending the cattle, the trades, also of artisans and dancers, as also of messengers and usurers, should be given like as to a *S'ûdra*". Similarly[1]: "Not for the iron-smiths, the *Fire*, nor *Water* for the water-drinkers; also for those experts in the operation of incantation should *Poison* be ever administered. An ordeal should always be avoided for men suffering from diseases; with the rice should be tested one engaged in a vow, or one suffering from a disease of the mouth". 'Engaged in a vow', *i. e.* a vow of consuming the rice.

Nârada[2]: "The eunuchs, persons devoid of virility, men oppressed with grief, as also minors, aged persons and the diseased, one should always test in the *Balance.* Not for those suffering from a disease shall the purification be by *Water*, nor shall the *Poison* be for those suffering from billiousness; for the lepers, the blind, and those with distorted nails, the performance of the (ordeal by) fire is not ordained (255). Nor should be immersed the women and the infants by those well-versed in the science of religion; as also those who are diseased, or aged, also those men who are weak (313). Persons devoid of energy, those afflicted by a disease, nor those who are suffering should one immerse in water; immediately they are immersed they might die, these men with a tender vitality (314). Even if these happen to be involved in a charge for a heinous offence, one should never immerse them in *water*; nor also should they be made to carry *fire*, nor should they be tested by *poison* (315)".

Pitâmaha: "To the drunkard, the voluptuous, as also to the rogues, the *kośa* should not be offered by wise men; as also to those who are unbelievers by nature". **Kâtyâyana**[3]: "Upon a conflict with the usage of the country and the time, one should administer as may be proper relatively; an ordeal may be got performed by another[4]; this is the rule on a conflict". 'On a conflict' *i. e.* when the accused is incompetent. **Nârada**: "For those who have entered upon a vow; those who are extemely troubled, those suffering from a disease, as also for those who are engaged in austerities, and for women, there cannot be an ordeal, if the rules of law are to be observed". **Kâtyâyana**[5]: "For those who are tainted with great sins, and especially for the

1. Kâtyâyana, Verse, 424. 2. Ch. I. 255, 313, 314, 315.

3. Verse, 436.

4. *i. e.* by one nominated by the accused, when he is not himself able to do the ordeal, but is anxious for an exhoneration.

5. Verses, 431, 432.

unbelievers, for these an ordeal must not be given, and to one who is habitually addicted to sins; so says Bhṛgu (431). In the case of those sinful persons for whom ordeals are prohibited, these should with effort be tested through good men; the king should not pronounce[1] defeat upon one against whom an accusation has been laid (432). (98).

S'ûlapâṇi.

By regard to particular class &c., the Author states particular ordeals

Yâjñavalkya, Verse 98.

For a *Śûdra*, a special rule has been mentioned by **Nârada**: "For a Bràhmaṇa should be given the *Balance*; for a Kṣhatriya *Fire* (the consumer of oblations); for a Vais'ya should be given *Water*; and for a *Śûdra*, however, *Poison* only. Generally for all, the *Kośa* has been declared by the wise; excepting the *Poison* for a Brāhmaṇa, or for all has been stated the *Balance*".

As to the text "for women, however, no ordeal can there be", by which an ordeal has been forbidden for women, that, however, has no reference to any other.—"For those involved in great sins, and in particular for the unbelievers, never should a king intent on the rules of Dharma administer an ordeal. For good people appointed by these very men an ordeal may be proper". (98).

It has been said[2] (above) that "these ordeals are ordained in the case of serious charges." The Author now mentions that which makes for seriousness in a complaint

Yâjñavalkya, Verse 99 (1).

Never until (the subject matter of the dispute is below) a thousand should (the ordeal of) the plough, nor the (ordeal of) poison, nor also of the balance (be allowed).

Mitâksharâ:—While the subject-matter of the suit is less than a thousand *Paṇas*, the ordeals of the plough, the poison, or of the balance should not be caused to be made, and even the common ordeal of water also, as has been said[3]: "The ordeals beginning with

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1. The reading here is नाभिशस्तं जयेन्नृपः. Elsewhere the reading is नाभिशस्तं त्यजेन्मनुः See Kane Verse 432.

2. Verse 95-p. 910.

3. By Pitâmaha.

the balance and ending with that of the poison should be administered in heavy cases." Here the non-mention of the (ordeal of) *kos'a* is accountable by its mention even in connection with petty complaints, in the text[1]: "The (ordeal of) *kos'a* may be offered even in a petty case." The meaning is that these four ordeals are allowed only in cases for the amount of a thousand *Paṇas* or above, and not below.

An objection:—Indeed the ordeals of fire &c. have been specified by **Pitāmaha** even for (suits for) less, *viz.*: "In the case of a thousand, the (ordeal of) balance should be offered, so the iron[2] (ordeal) should be given for the half of a thousand ; for the half of a half, however, the (ordeal of) water, and for the half of that, the (ordeal of) poison has been prescribed."

The Answer:—True. In such a case (however) the rule is to be thus interpreted and applied : The text of **Pitâmaha** is (to be accepted as) applicable to such properties by the deprivation of which there occurs a degradation, while the text of the **Lord of the Yogis**[3] is to be taken as referring to other (kinds of) property. And, moreover, both these texts apply to cases of thefts and violent crimes. In the case of concealment, however, a special rule has been pointed out by **Kâtyâyana**[4] thus :—"In cases where there is a denial of payment, in such a case the quantity or amount (of the property) should be determined. In cases of theft and assault an ordeal should be administered even if the subject-matter be a trifle. Having ascertained the quantity of the property of whichsoever kind it may be, its equivalent in gold should be determined, and then with a gold measure the ordeal should be administered. Having (thus) ascertained the amount (equivalent) in gold coins, for the loss of a hundred, (the ordeal of) poison has been ordained ; for the loss of eighty, however, (the ordeal of) fire certainly should be offered. In the case of a loss of sixty, the (ordeal of) water should be given ; while for forty the (ordeal of) balance. For a loss of twenty or ten, however, (the ordeal of) drinking of *kos'a* is ordained. The (ordeal of) rice is ordained for a loss of five and more or the half of its half. For its half or the half of this half, however, the heads of sons or the wife

1. Of Pitâmaha.
2. *i. e.* the fire.
3. *i. e.* Yâjñavalkya.
4. Verses 416–421.

should be touched. For the loss of a half of this or of its half again, however, the means[1] of proof resorted to in this world have been ordained. A king thus discriminating does not fail in his *religious* or *secular* duties (*Dharma and Artha*)."

* Page 61.

In the passage[2] "Having ascertained the amount in gold coins," the term *gold* (coins) is indicative of the measure already mentioned above[3] *viz.* "Sixteen Mâṣhas make a gold coin." Moreover, the word "loss" here is indicative of a "concealment." In the text[4] "Never until the subject matter is below a thousand should the plough be allowed &c." the thousand of a copper paṇa should be understood.

It may be said—Indeed these ordeals have been mentioned in cases of sedition and other crimes, then what of the text[4] "never until the subject-matter is below a thousand should the plough be allowed"? Anticipating this, the Author says

Yâjñavalkya, Verse 99 (2).

But in the cases of offences affecting the king, and in serious charges, the parties should always undergo an ordeal after having purified themselves.

Mitâksharâ :—In cases of sedition, as also in accusations of heinous crimes, always, without regard to the quantity or amount, (the parties) should perform ordeals after having purified themselves by fasting &c.

Similarly a special (rule as to) the place has also been mentioned by *Nârada*[5]: "Before the gates of the Court or of the Royal palace, or in sight of a temple, or in a cross-road, must be placed, firmly into the earth, after having been covered with perfumes, garlands and unguents." 'Must be placed' *i. e.* the

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1. लौकिक्य: क्रिया: as opposed to दैविक्य:. Worldly or human.
2. p. 928 ll. 23-25.
3. Âchâra Adhyâya Verse 363 p. 623 l. 3.
4. Of Yâjnavalkya 99 (1). p. 927.
5. Ch. I. 265, 266.

balance. The details have been mentioned by **Kâtyâyana**[1]: "The trial of men accused of heinous crimes should be caused (by an ordeal) before the seat of the God Indra. Of those who are accused of having attempted sedition, the trial should be ordered to be held before the gate of the royal palace. For those born of a connection between a woman of a higher and a man of a lower class, the ordeal should be administered at a place where the roads cross. In the case of others than these, the ordeal should be offered in the court house. This is what the wise think. Of the untouchables, or persons belonging to the basest class, of the slaves, of the *mlechchhas*, of persons guilty of heinous crimes, and of persons born of a *Pratiloma*[2] connection the trial shall never be before the king. In case of doubts, the ordeals known as ordained in each case should respectively be administered."

Here end the Rules of Procedure about the Ordeals.

Viramitrodaya.

By regard to the amount of money in particular cases, the Author states particular ordeals

Yâjñavalkya, Verse 99.

In a dispute for a debt &c. for less than a thousand *panas*, not the *plough*, nor the *poison*, nor either the *balance* should one administer.

Nṛpârtheshu, 'in cases of offences against the king' *i. e.* in charges of treason against the king ; *s'uchayaḥ*, 'after having purified themselves' *i. e.* when they have cleansed themselves by bathing, &c., an ordeal like the *plough*, &c., *waheyuḥ*, 'they should undergo'.

By the use of the word *tathâ*, 'also', is added that *water* should not be administered. By the word *cha*, 'and', are included the *sâhasas*. So also Vishṇu[3]: "Now about the performance (of ordeals). In cases of treason against the king, and in *sâhasas*, according to the option. In cases of deposits, and thefts, the amount (involved) is the measure."

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1. Verse, 434.

2. A *Pratiloma* connection is a union between a man of a lower, with a woman of a higher class, its converse is called the Anuloma; see Yâjn. Achara IV 90–96. pp. 241–261. above.

3. Ch. IX. 1–3.

Samayaḥ, 'covenant', *i.e.* the ordeal, 'according to the option', *i.e.* in pursuance of the king's wish.

Kâtyāyana[1]: "Where a gift is denied falsely, there the amount[2] (involved) should be determined. In the case of theft and the *sâhasas*, an ordeal should be given even for small amounts." 'Even for small &c., the meaning is that in those petty cases of debts, &c., where an ordeal does not exist, even for those amounts in cases of a theft and sâhasa, an ordeal is prescribed.

Bṛhaspati[3]: "The (ordeal by) *Poison*, when a thousand have been stolen; when a quarter less, the *fire*, (ordeal); when less by a third, the (ordeal by) *water*, and when a half is stolen, the *balance* should always be given. When however the accusation is for a four hundred, the *heated mâsha* should be given; for a three hundred, the *rice* should be given, and the *kośa* for a half of it. When a hundred has been stolen or falsely denied, the trial should be by the (ordeal of) *Dharma*. For a cow-thief should be given by the councillors the purification by (the ordeal of) plough. These figures are in the case of persons of lowest degree; for (persons of) the middling (kind) has been stated to be the double; and four times for the highest should be determined and administered by the Judges."

Vishṇu[4]: "In all money-transactions gold shall be regarded as the standard of value (4)......" Similarly, if it be less by a half of gold (Krishṇala), the *kośa* should be offered to a Śudra. For more than that, the *Balance*, *Fire*, *Water* or *Poison*, according to the value. In one of double value the ordeal of oath as described before for a *Vaiśya*; for treble value for one of the kingly tribe, and for the quadruple value for a Brâhmaṇa. Not for a Bráhmaṇa should the *kośa* be offered, excepting for creating confidence as part of an agreement to be performed in future (16). In the place of a *kośa* a *Brâhmaṇa* may be made to take an oath only with (a clod of) earth dug up by a plough (17). In the case of a person with a previous conviction, even in a matter of a small value, one of the ordeals alone should be administered (18). For one whose good character is well known among good men, not even in cases of large values. (19)." 'Excepting,[5] &c.'—Where an agreement has been made viz.: "We all jointly shall do this", excepting

1. Verse 416.

2. Meaning thereby that the question whether an ordeal should be given and if so which variety, would be determined after ascertaining the amount involved.

3. Ch. X. 9-12.

4. Ch. IX. 4; 10-19.

5. in Sutra 16 above.

that. There, however, even for Brâhmaṇa, the *kos'a* may be given. Plough *i. e.* the furrow of an anchor.

Kâtyâyana[1]: "After knowing the extent of all things, gold should be fixed as the standard; and the ordeal should be presented according to the gold standard. For a loss which leaves a residue less by a quarter, the *Poison* and the *Fire* is observed there; the *Water*, where the loss is less by a third part; for half of a hundred, the *Balance* has been stated; the drinking of the *Kos'a* water, for its half, or for tenth, fifth, a seventh, or for half of that, the rice, and for half of that the heated *mâṣha*." 'Of a hundred of goldless than by a quarter', *i. e.*, seventy-five gold coins; 'less by a third part', *i. e.* a third part of a hundred gold; 'its half' *i. e.* half of a hundred, 'for tenth, fifth, seventh, *i. e.* for a tenth part of a hundred, fifth part, or a seventh part,—the drinking of the Kos'a water. This is the meaning. Here, moreover, the small proportion is in regard to the lower classes. **Vṛdha Manu**: "Having ascertained the quantity in gold, for the loss of a hundred, the *Poison* has been stated; for the loss of eighty, however, should be given the *Fire*; when the loss is of sixty (gold), *Water* should be administered; for a forty, shall be the *Balance*. For the loss of thirty or of ten, Bṛhaspati prescribes the drinking of the *Kos'a*; for the loss of five, or a half or of its half, the *Rice*". 'Thirty &c.' *i. e.* for the loss of thirty or for the loss of ten. 'Five' &c. of the half a five or of its half or for the loss of one, the drinking of the *Kośa* water. This is the meaning.

These texts are in reference to debts &c. as also in regard to things given away. The text of the Author, however, is in reference to one who commits theft. Thus there is no contradiction, so they say.

Here end the Rules of Procedure for Ordeals.

S'ûlapâṇi.

Yâjñavalkya, Verse 99.

In an accusation for a thousand only shall be an ordeal by fire &c. *Nṛpârtheṣhu*, 'in regard to king', *i. e.* in charges of treason against the king &c., and also in accusations for heinous sins, after being purified by a bath &c., they should carry *fire*. **Bṛhaspati**[2]: "*Poison*, when a thousand has been stolen; for a quarter less, the *fire*; when less by a third, the *water*; and for a half, the *balance*, should always be given. When the

1. Verse 417.   2. X. 9-12.

accusation is for a four hundred, should be given the heated *másha*; for a three hundred, the rice should be given, and the *kośa* for a half of it; when a hundred is stolen or also falsely denied, the purification by *Dharma* should be administered. For a cow-thief should be given by the councillors the (ordeal of) plough by all efforts. These figures are for the lowest; for the middling, the double has been stated; and four times for the best should be fixed by the judges". 'For the lowest' *i. e.* by caste, occupation and qualification. (99).

Thus ends the Chapter on the Procedure for Ordeals.

Having thus stated the rules of procedure applicable to all kinds of ordeals, the Author now mentions the process of administering the ordeals of the balance and others

Yâjñavalkya, Verses 100, 101, 102.

When men versed in holding a balance have seated a party therein, weighed him against an equal weight, marked a line, and caused him to descend, (100)

" O balance, thou art the abode of truth and wert created by the gods in the olden times, therefore, O auspicious one, speak the truth, free me from suspicion. (101).

O, mother, if it be that I am the sinner then carry me down. If I am pure, carry me upwards ". Thus should he invoke the balance, (102).

The administration of the balance and other ordeals.

Mitâksharâ :—Those who know the *holding,* **dhāraṇam,** *i. e.* the weighing of a balance, *i. e* the goldsmiths and others, by these **pratimânena,** *by means of another measure, e. g.* clay &c. **samibhūtaḥ,** having been *weighed against an equal weight i. e.* having been made equal (in weight), and, **tulâmas'ritaḥ,** *having been seated in the balance, i. e.* seated into it, the party, *i.e.* either the defendant or the complainant, **rekhâm kṛtwâ,** *having drawn the line,* determining the ordeal, *i. e.* having, by means of a white chalk, drawn a mark round that side of the balance wherein he was seated in the position of an equilibrium, and, **avatâritaḥ,** *having been made to descend,*

tulâmabhimantrayet, *he should invoke the balance, i. e.* offer a prayer to the balance by the following *mantra, viz.*—"O balance, thou art the seat of truth, (and) **purā,** *in olden times,* thou wert, **devaiḥ,** by the *gods, i. e.* by the *Hiraṇyagarbha,* and others, **vinirmitaḥ,** *created, i. e.* manufactured. **Tat,** *therefore, i. e.* for that reason, **wada,** *speak, i. e.* point out, **satyam,** *the truth, i. e.* the real nature of the matter in dispute. *Oh,* **kalyâṇi,** *auspicious, i. e.* good one, **sans'ayânmâṃ vimochaya,** *free me from* this *suspicion.* **Mâtar yadyaham pâpakṛt,** *Oh mother if it be that I am the sinner, i.e.* am telling an untruth, **tato mâm twam adho naya,** *then you should carry me down.* If, however, **s'uddhaḥ,** *I am pure, i. e.* am telling the truth, **mâm urdhvam gamaya,** *then carry me upwards.*"

The form of prayer for the Chief Judge for addressing the balance has been laid down in other *Smṛtis.* The present *mantra,* however, is for him who performs the ordeal. The test of a success or a defeat is, moreover, obtainable as being indicated by the *mantra* itself, and so has not been mentioned separately.

The construction of the balance, however, having for its object the seating of the party (with it), has been lucidly described by **Pitâmaha, Nârada** and others thus :—

"The wise should construct a balance after saluting the guardian deities of the quarters, and after cutting down with the incantation of the hymns a sacred tree from which a sacrificial post is obtained. The hymn to be repeated softly at the time of cutting the tree is the one addressed to the God Soma[1]. A quadrangular balance should be made which should also be strong and straight. Rings should be fastened at three places and with a purpose. The balance should be four *Hastas* in length, and the two posts also should be of equal measure. The space intervening between the two, however, should be two *Hastas* or half a *hasta* more ; and the two (remaining) *Hastas* of both the posts should be dug into the earth. Moreover, two arches should be created in the rear of both the posts, and (these) should always be higher by ten *Angulas* than the balance. Then,

* Page 62.

1. Thus : सोमो धेनुं गौतमः सोमास्त्रिष्टुप् जपे विनियोग : । "सोमो धेनुं ....".

two suspenders of clay, should be prepared, hanging downwards from the arches suspended by ropes and touching the head of the balance. A firm balance facing towards the east should be erected on a holy spot, two scales should be fastened to the sides of both (the posts), and the (blades of the) *darbha* grass should be placed in both the seats with their ends turned towards the East. In the scale towards the west should be weighed the parties (performing the ordeal), and in the other pure clay. There (*i. e.* on this side) he should place a basket and fill it with bricks, stones, and sand."

Here, however, there is an option as to the selection of clay, bricks, stones, or sand.

"Persons should be appointed as judges who are well-versed in the weighing of balances viz.: the grocers, the goldsmiths, as also the bronze-smiths. The Judges should always make the balance even and in a line with the suspender, and the wise should place water over the balance; that balance should be considered as even wherein the water does not move."

"Having first weighed the man and after having got him down, the balance should always be kept adorned with buntings and flags, and then one knowing the *mantras* should invoke the gods as described in the following procedure: Thereafter the Chief Judge with the flourish of music, with his face towards the East, and with folded hands bearing fragrant odours, flowers, and besmearings, should repeat the following (prayer): "O God Dharma, come, O, come, and be seated in this ordeal accompanied by the Guardian Deities of the quarters and by the groups of the Vasus, Ādityas and Maruts."

"After having invoked the God Dharma[1] (to be seated) in the balance, thereafter the (other) parts should be distributed (as follows): Having seated Indra in the East, and the Lord of the Dead in the South, Varuṇa in the portion towards the West, and Kubera in the North, he should seat Agni and other Guardian Deities of the quarter in the parts in the corners."

"Indra has the yellow colour, Yama the blue, and the colour of Varuṇa is like that of *sphaṭika* stone. Kubera, moreover, has the

1. Law or the Deity presiding the Law.

lustre of gold, and the god of Fire also possesses the golden hue. Similarly the Nirṛtiḥ is known to be blue and Wâyu (the god of wind) smoky. Is′âna is, however, red. Thus should all these be contemplated in the order (mentioned above). "

" A wise man should worship the Vasus on the southern side of Indra. Dharâ, Dhruva, and similarly Soma, Āpa, Anila, Nala, Pratyûṣha, and Prabhâta, are known as the **eight Vasus.** "

" Similarly the group of the Âdityas should be placed between the Lord of the Gods and the I′s′âna. Dhâtâ, Aryamâ, and Mitra, so also, Varuṇaḥ, Aṇs′uḥ and Bhagaḥ, likewise Indra, Vivaswān, and Pûṣhâ and Parjanya known as the tenth ; then Twaṣhṭâ and then Viṣhnu not the last though born of the last,[1] these are the **twelve Âdityas** described by their names. "

" The point towards the west of Agni is known to be the place for the Rudras, Vîrabhadra, S′ambhuḥ, Giris′a of great fame, Ajaikapâd, Ahir-bhudhnya, Pinâki the never-defeated ; so also Bhuvanâdhîs′varaḥ, Kapâlî, the lord of the people, Sthâṇuḥ, Bhavaḥ and Bhagawân are known to be the **eleven Rudras.** "

" Between the Lord of the dead and Rakṣha a place should be assigned for the **Mother Deities** *viz.*: Brâḥmî, Mâhes′warî, and also Vaiṣhṇavi, Vârâhi, Mâhendri, and Châmuṇḍâ accompanied by the bands of the followers. "

" The points to the north of Nirṛti is known to be the place for Gaṇes′a, and the place for the Maruts is said to be at the northern side of Varuṇa ; Gaganaḥ, Spars′anaḥ, Vâyuḥ, Anilaḥ, and also Mârutaḥ, Prâṇah, and the two *viz.*, Prâṇes′a and Jîva are known as the **eight Maruts.** A wise man should invoke the goddess Durgâ at the northern side of the balance. "

" The worship of these deities is however known to be by (repeating) their own names. Having offered worship to the God Dharma[2] commencing with the arghya and ending with decorations

1. *i. e.* the last order, or the Rudras *cf.* " एकादशास्तथा त्वष्टा द्वादशो विष्णुरुच्यते । जघन्यजस्तु सर्वेषामादित्यानां गुणाधिकः" ॥ महाभारते I. 65. 16.

2. The principal deity प्रधानदेवता in this ritual.

&c.; thereafter a similar worship should be offered to the other[1] deities *viz.* commencing with the *arghya* and ending with decorations the service should commence with *gandha* (sandal-paste) and end with *naivedya.*"

Here, moreover, having duly constructed a balance adorned with buntings and flags, and having invoked thereon the God Dharma with the hymn—"Come, O come &c.", and with the formula, "I offer this Arghya to Dharma; bow to him, &c." having offered *arghya, pâdya* and water, *madhuparka* and water again, a bath, clothes, the sacred thread and the water ending with the offer of the crown, the bracelets and other ornaments, and then to the other deities commencing with the god Indra and ending with the goddess Durgâ, with the repetition of the *om* (ॐ) at the beginning[2] of the name of each deity and with the dative case at the end, and having offered worship to them commencing with the *arghya* and ending with decorations, he should then offer to the god Dharma the *gandha* (sandal paste), flowers, burnt perfumes, light, and the *Naivedya*, and then should offer as before to the god Indra and others the worship commencing with the *gandha*. The sandal and flowers for the worship of the balance should be (of a) red (colour), as says **Nârada**: "With the red sandal paste, red flowers, curdled milk, fried puddings, the rice grains &c. first (he) should offer worship &c. to the balance and then he should do honour to the respectable (people present there)." Of Indra and other gods the worship may be (offered) with red or other flowers such as are available (at the time), as no special rule has been mentioned. Thus should be the order of worship.

*Page 63.

All this, moreover, the Chief Judge should do. As has been said[3]: "Then the Chief Judge, a Brâhmaṇa, who has completely mastered the Vedas and the Vedangas, who is accomplished by his learning as well as his conduct, whose mind is calm, and who is free from feelings of jealousy, who is the essence of truthfulness, who is pure, and who is watchful and devoted to the welfare of all beings,

1. *i. e.* the secondary or subordinate deities अंगदेवता: In every performance there is a प्रधानदेवता the principal Deity and the rest are accessories, अंगदेवता:

2. This ॐ इन्द्रायनमः &c.

3. By Nârada.

who has observed a fast and who after cleaning his teeth has worn a clean cloth, should do worship to all the deities as prescribed by the ordinances." Moreover, a sacrifice should be offered in the *Laukika* fire by the four *Ṛtwijas* in the four quarters, as is said[1]: "Similarly a sacrifice should be offered in the four quarters by those who have completely mastered the Vedas, by means of ghee, and holy articles of sacrifice, and with the *samidhs* which are the (usual) means of a sacrifice, by repeating the Sâvitri and the Praṇava mantras with the words *swāhā* at the end of each." The meaning is that each of the three articles *viz.* the *samidh*, ghee and the rice should be offered 108 times each with the repetition of the *gâyatri* with the *praṇava* at its commencement and again with the addition of the *praṇava* at the end after the offer of the oblations with the words *swâhā*.

Thus having performed the worship of the deties with the oblations as the last, thereafter, having written on a leaf the subject-matter of the dispute, it should be placed on the head of the person wishing to perform the ordeal. As has been said:[2] "Having written on a leaflet, whatever is the subject-matter of the accusation, it should be placed on the head with (the repetition) of this mantra." The Mantra, moreover, is this: "The sun, and the moon, the fire, the wind, the sky, the earth, the water, the heart, the god Yama, the day as well as the night, and the two evenings, and Dharma, each one knows the action of men." Moreover, the part of the ceremonial commencing with the invocation of the Dharma and ending with the placing of the leaf on the head, is common to all the ordeals, as has been said: "The whole of this ceremonial preceding the *Mantra* should be observed in all the ordeals; similarly should be observed the invocation of gods."

Thereafter the chief Judge should invoke the balance, *vide* the text:[3] "One knowing the Sâstra should also invoke the balance with this formula and the *mantras* also have been indicated *viz.*: "O balance, you have been created by the Creator for testing the sinful. From the letter *dha* (in your name) you are the incarnation of Dharma; and since from the letter *ṭa* in your name you determine a

1. By Pitâmaha, 2. By Nârada, 3. By Pitâmaha.

guilty individual when he is weighed (in you), therefore you are known as the *Dhâṭa*. You know the sins as well as the good deeds of all beings. O God, you alone know those things which mortals do not know. This man who has been accused in a judicial proceeding wishes to establish his innocence; therefore, O Lord, you should be pleased to save him from this suspicion according to the rules of Dharma." The person wishing for an acquittal however should invoke the balance with the *mantra* given above *viz.* "O balance &c." Thereafter the chief Judge shall place in the balance the person wishing to perform the ordeal, and having placed on his head the leaf, and after seating him in his proper place; *vide* the text: "Should again be seated in it, after having placed the document on him." And while so seated he should be made to sit in that condition for an interval of five *vinādis*[1]; one knowing the science of astronomy should determine this interval of time, *vide* the text[2]: "One knowing astronomy and who is the best of Brâhmaṇa should determine the interval of time; the interval of five *vinādis* should be determined by those who are experts in determining time. The intervel required for pronouncing ten long letters is known as a *prâṇa*; six *prâṇas* make a *vināḍi*. It has also been said: "(the interval required for pronouncing) ten long letters is called a *prâṇa*, six *prâṇas* make a *vinâḍi*, sixty of these a *ghaṭi*, and of sixty *ghaṭis* is said to be made a day and night." With 30[3] days is made a month.

During this interval, moreover, pure men should be appointed by the king for determining the acquittal or non-acquittal, and these will declare the acquittal or non-acquittal as has been said by **Pitâmaha**: "Among the umpires the best Brâhmaṇas who would depose only such as has been seen by them, who are wise, pure, and who are not covetous should be appointed by the king. Umpires

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1. विनाडी see further on, a measure of time equal to 1\60th part of a *Ghati*—24 Seconds.

2. खाग्निभि:—ख-the sky-0, & अग्नि—3; and according to the general rule अंकानां वामतो गतिः; this can be written as 30.

3. The method by which this figure of thirty is arrived at, is explained above.

of (such a) high character will then inform the king of (his) innocence or non-innocence.

* Page 64.

The condition for determining the innocence or non-innocence has, moreover, been laid down[1] thus: "If, on being weighed he rises, he is undoubtedly innocent. If his weight remains the same as before, or if he goes down, he cannot be acquitted."

As to what has been said by **Pitâmaha**:—"One who will show an equal weight is guilty to a small extent, while he whose guilt is large, goes down."—there, although the smallness or the largeness of the matter under complaint cannot be determined by an ordeal,[2] still the smallness or largeness of the punishment would be determined thereby—*viz* the (punishment) would be small if the act is done only once or unintentionally, while it would be great if the act is repeated more than once, or has been committed intentionally.

When, howeover, without any austensible cause, the scales &c. burst or break, even then, there is a non-acquittal *vide* the text[3]: "Should the base burst, or the scales break, or the beams or the hooks split, or the strings burst, or the transverse beam break, a non-acquittal should similarly be declared (as stated before)".

Kakṣhā is the base of the balance; the two *Karkaṭas* are the two iron-hooks slightly bent, fixed at the two ends of the balance to support the scales and resembling the thorns of a crab (कर्कट). The *Akṣha* is the piece of the beam to be placed on the two base-pillars, for holding the balance. When, however, these break on account of a cause which is ascertainable, then he should be placed again, *vide* the text: "In the case when the scales &c. burst or break, the man should again be placed."

1. By Nârada. I. 283.

2. *i. e.* the same having already been stated in the leaf placed on the man's head.

3. Nârada. I. 284. The text actually to the found in the edition of Dr. Jolly is, however, quite the opposite of this: the last line there being सुर्तिनः शुद्धिमादिशेत्—"shall pronounce a formal declaration of his innocence." Kâtyāyana, suggests a re-trial, See Verse 440.

Thereafter "The king should please the *Ṛtwiks*[1], *Purohitas*, and the *Āchārya* by means of *dakṣhiṇas*. A king causing these to be made in this manner, after having enjoyed (all) the pleasures of enjoyment, obtains great reputation and is entitled in the end to absolution."

When, however, the king wishes to maintain in the same condition and permanently the balance as described above, then he should build a house for it in order to protect it from damage from the crows &c. *vide* the text[2]: "A balance-house should be erected which should have a wide space, which should be high, and be white-washed, and its should be so situated where the balance (when placed,) would not be damaged by dogs, or the *chāṇḍālas*, or crows. There also he should cause to be (invoked and) seated in several quarters the guardian deities of the quarters and other dieties, and should cause their worship to be made there at the three changing periods of the day by means of sandal-paste, flowers, and (other) unctions. He should have it protected by doors, store seeds therein, and have it watched by the guards, should cause earth, water, and fire to be placed therein, and should not allow it to remain unattended[3]". Seeds *i. e.* of barley, rice &c.

Here ends the Ordeal by **Balance**.

Viramitrodaya

Thus, having stated the procedure applicable to all ordeals, now the Author states upto the end of the Chapter the special rules of Procedure for each of the ordeals viz. *Balance* and the rest.

Yājñavalkya, Verses 100, 101, 102.

Those who know the holding *i. e.* the balancing of the scales such as the goldsmiths &c. by these, *Lekhyam*[4], 'a writing' such as 'I did not commit theft' and of a like nature, having placed on the head, and

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1. A *Ṛtwik* is the head-priest at a sacrifice; a *Purohita* is the head family priest; and an *Âchârya* is one who imparts instruction in the Vedic lore. [See Yajn.: I. 34 35 pp. 126–127 above (Vol. I; Part I); Manu. II. 140–143.]

2. Of Pitâmaha.

3. *i. e.* the place should not be left deserted; a guard should always be placed to protect the machinery and to help its being kept in tact.

4. लेख्यं कृत्वा. The *Mitâksharâ* reads रेखां कृत्वा, and *Śūlapâṇi* etc. prefer to have the same reading. *Viśvarūpa* reads लेखाःकृत्वा, but interprets it similarly as the *Mitākṣharâ*.

as against a counterpoise, equalised and so placed in the balance, the person complained against *i. e.* the performer of the ordeal, and having been *made to descend* into it, with the invocation, "(free) me &c." he should address the balance *i. e.* on the day of his being seated, he should pray with this *mantra*[1].

On the second day, moreover, if the person balanced incsease *i. e.* goes higher up the equipoised weight in the other scale, then he is (declared to be) exhonerated *i. e.* is clearly found to be not amenable to the accusation *i. e.* there would be no longer any suspicion of a charge; if, however, he is found to be equal or lower than the counterpoise, then the performer of the ordeal shall not be regarded as exhonerated; he shall be deemed to have been defeated. This verse viz "Weighed &c." is stated in the **Mitâkṣharâ** in the name of **Pitâmaha.**

The explanation of the *mantra* is, moreover, as follows: "O balance, you are the abode *i. e.* the place, of truth; by the gods *i. e.* by Brâḥmâ &c. formerly *i. e.* in the first creation, you were created *i. e.* produced; therefore *i. e.* for that reason, O auspicious one, speak *i. e.* point out the truth, *i. e.* according to facts; and from this suspicion free me."

"O mother, if I am a sinner *i. e.* am speaking an untruth, then *i. e.* in that case lead me down; if I am pure *i. e.* am speaking the truth, then carry me upwards."

Here, after the manner of the (*mahâdâna*) 'Prime donation' of a Weighment Deity (*Tulâ-puruṣha*)[2] including a little more in particular matters in the balance so prepared on the day of the weighment,[3] after the writing of the statement solemnly declaring the absence of any cause for the charge against him, and after writing the *mantra*, "The Sun, the Moon, the Fire, the Wind, the Sky, the Earth, the

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1. *Mitramiśra* reads after verse 100 the following verse *viz.*: "तुलितो यदि वर्धेत विशुद्धः स्यान्न संशयः । समो वा हीयमानो वा न विशुद्धो भवेन्नरः ॥." which he says that the author of the *Mitākṣharâ*, has assigned to *Pitāmaha*, while *Visvarūpa* cites it as a text of *Nârada*, in which Smṛti also it is stated at Ch. I. 283. As a matter of fact, however, *Vijñaneśvara* does not mention any writer; he simply says, 'it is stated'. *The Smṛtichandrika* also quotes it as a *Nârada* text p. 110; l. 3.

2. तुलापुरुषमहादान—set out at details in the *Dâna Mayûkha* with an extract from the *Garuḍapurāṇa*: The object stated is the removal of all kinds of diseases नानारोगग्रहादिस्तुलादिभिः. See also *Bâlambhaṭṭi* Āchâra. P. 486.

3. Lit: On the day of his being placed in the balance; 'तुलायामधिवासदिने.'

Water, the heart, and the God *Yama*, the day, and also the night, and the two evenings, each one knows the actions of men and the Dharma[1]"; and after placing that document on his head, the Chief Judge should cause the performer of the ordeal in the balance after it is counterpoised, with the repetition of the invocation *mantra*; and on the next day after the completion of the daily performances, with face towards the East with folded hands, invoke the Gods in the balance with the *mantra* as set out before, viz., "Come, O come thou the revered Dharma". Thereafter he should perform the worship of the Gods as stated by **Pitāmaha**, as follows: [Here follow the same verses as are set out above in the **Mitākṣharā** at p. 935 l. 29. as far as p. 937 l. 4.]

Then should be offered by four Ṛtviks versed in the Vedas oblations, each of the *samidhs*, *ghee*, and cooked rice, commencing with the *Prâṇa*, the *Gâyatri* and ending with the *Praṇava* and the word *swâhâ*, on the four sides of the balance in the *Laukika* fire. Then the Chief Judge should address the Balance—There the *mantras* are these (see above *Mitâkṣharâ*, p. 938, l. 31 to p. 939 l. 7). Then the Chief Judge should place the performer of the ordeal with the written document on his head, on the balance for an interval of five *Vinâḍis*. A *Vinaḍi* is defined thus: "Ten long letters make a *prâṇa*, and six *prâṇas*, make a *vinâḍika*". Thereafter one who goes up, the king's messengers should declare him to be innocent and exhonerated. This is in short the substance. Here the measurement and the word for the balance and other details have not been stated out of fear of prolixity. These should be sought for in the statement for *Mahâdâna*. (100-104).

S'ûlapâṇi.

Yâjñavalkya, Verses 100, 101, 102.

Men conversant with holding the balance such as the grocers &c., after having equipoised the person complained against by means of stones and such like counterpoise, and when thus equipoised by the counterpoise, should mark with a white line the scale adjusted by the fall of strings, and after the person is made to get into it, he should repeat this *Mantra*.

Nârada[2]: "After having well fastened the two scales by the hooks of the beam, he should place the man in one scale and the stone in the other; should place the person in the northern scale and the stone

1. 'धर्मस्य' is the reading in *Viramitrodaya* for 'धर्मश्च' in the *Mitākṣharā*.
2. Ch. I. 271-272.

in the other, in that towards the south; there he should fix a basket with bricks, sand, grains, and balls".

The meaning is that he should address the scale with the mantra. "Thou O, Balance, you are the abode of truth". Here the success or defeat should be inferred from the indication of the balance going up or down. So **Pitâmaha**: "When weighed if he is (found to have) increased, he becomes exhonerated according to (Dharma) law. If he goes down, he is not exhonerated according to some; if equal, he is innocent. One with a small guilt is equal; but one whose guilt is great goes down. By the preponderance of Dharma and its power, one who excels (in weight) is declared pure". By saying "according to some", is meant that he should be examined again. So **Bṛhaspati**[1]: "If the person complained against when weighed in a balance goes down, he shall be declared guilty; if, however, he remains equal in level, he may be weighed again; one who goes up shall be declared to be successful". **Vyâsa**: "One who goes down is not declared to be innocent; one who goes up is declared pure; one who is leval is also not considered to be pure; this is the rule about purification[2]. "Should the scales break or the beam or the bolts break, or the strings burst, or the transverse beam split, the king shall administer the ordeal again". By the expression 'he is not declared innocent' is meant that he shall not be deemed to have succeeded, not that he is defeated". (102).

Thus ends the Chapter regarding the Balance.

The Ordeal by Fire.

Now the Author describes the *Ordeal by Fire* coming up in its turn

Yâjñavalkya, Verse 103.

After the hands of one, by whom rice paddy have been rubbed, have been marked, seven leaves of As'vattha[3] should be placed on them, and as many (rounds of) threads should be coiled around.

1. Ch. X. 19.

2. Cf. Narada I. 284. According to Narada, however, a formal pronunciation of the innocence is recommended, while according to this text a re-trial is ordered.

3. Known as पिप्पल. The *Ficus Religiosa.*

Mitâksharâ :—With the general rules of procedure laid down for ordeals having been complied with, and after the ceremonial commencing with the invocation of the God Dharma and ending with the placing of the document on the head, as described in the ordeal by balance has been gone through, this special rule (of procedure) is laid down in the case of the ordeal by fire.

Vimṛditavrihi, (*one*) *by whom rice paddy have been rubbed, i.e.* one by whom has been rubbed *i. e.* pressed, the rice paddy with both (the palms of) his hands, such a one is called *vimṛditavrihi.* After the **karau,** *hands,* of him **lakshayitwâ,** *have been marked, i. e.* marked, with the juice of red lac &c. those parts bearing a spot, a curl, a scar, or a corn &c. as says **Nârada**[1] : "All sores or scars on his hands should be marked with signs[2]." Thereafter **Saptās'watthasya parṇâni,** *seven leaves of Aswattha,* **nyaset,** *should be placed,* on the two hands joined together, *vide* the text[3] : "Having covered his two hands joined together with seven *As'wattha* leaves of equal size." These, moreover, together with the hands should be **veshṭayet,** *coiled round,* with thread, as many times as there are the *Aṣwattha* leaves *i. e.* the meaning is that it should be coiled in seven rounds.

The threads, moreover, should be seven and white, *vide* the text of **Nârada**: "The two hands should be covered round by seven strings of white thread." Then seven leaves of *S'ami,* also seven blades of the *Dûrwa*[4] grass, and the rice *akṣhatas,* as also rice besmeared with curds, (all these) should be spread over the *aṣwattha* leaves, *vide* the text : "He should spread seven *pippala* leaves, the *s'ami* leaves, as also the rice, seven blades of *dûrwâ* grass, and rice besmeared with curds." Also should the flowers be spread, *vide* the text of **Pitâmaha** : "Seven leaves of *As'wattha,* the rice, the flowers, and curds should be placed on the two (palms of the) hands, and then the same should be coiled round.' *Sumanasaḥ,* means flowers. Although there is a text *viz.*: "He should be considered pure who remains

1. Ch. I. 301.

2. A हंसपद is the same as a काकपद, 'the sign.'

3. Of Nârada.

4. The *Cynodon Dactylon.*

unscathed at the seventh step while bearing the heated iron in his hands covered with seven leaves of the *Arka*[1] tree", still that should be understood as meaning that the *arka* leaves are to be taken in the absence of the *As'wattha* leaves, as the importance of the *as'wattha* leaves is inferrable from the text of **Pitâmaha** in praise thereof **viz.**:—" From the *Pippala* tree fire is produced, the *pippala* is known as the lord of trees ; hence a wise man should spread its leaves on the hands. "

* Page 65.

S'ûlapâṇi.

The Author states the ordeal by fire.

Yâjñavalkya, Verse 103.

If the hands have scars or sores on account of the crushing of the paddy grains, these should be noticed and in those places of scars, marks should be made with lac drops. So Nărada[2]: "On all scars and sores on the palms of the hands marked previously.......... after placing seven leaves of the *pippala* tree, should encircle with seven strings." (103).

The Author now mentions the *mantra* invoking the Fire to be repeated by the person performing the ordeal

Yâjñavalkya, Verse 104.

"O Fire thou pervadest the innermost parts of all created beings, you are the purifier. O omniscient, declare like a witness, the truth about me from my virtues and sins."

Mitâkṣharâ:—**Agne twam sarvabhûtânâm,** *O fire you, of all beings, i. e.* the viviparous and oviparous animals, the insects born of sweat, as well as the plants germinating from sprouts, **antaḥ**, *in the innermost recesses,* i. e. inside their bodies, **charasi,** *pervadest, i. e.* remainest there as the digester of all food and drink used; **Pâvaka,** *purifying; i. e.* the purifying cause; **kave,** (O) *Ommicient, i. e.* knowing all, **sâkshivat puṇyapāpebhayaḥ**

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1. The *Calatropis Gigantea.* 2. Ch. V. 301.

3. उद्भिज्जः. उद्भिज्जाः स्थावराः सर्वे बीजकांडप्ररोहिणः Manu I. 46

satyam brūhi, *declare like a witness the truth about me from my virtues and sins.* The oblative case in the expression puṇya-papebhyaḥ is formed by dropping the ल्यब्[1]. The meaning is that having observed my virtues and sins, speak the truth (about me).

When the iron ball is well heated by the three fires and after it is brought out by means of a pair of tongs, the person desirous of performing the ordeal standing in the western enclosure with his face towards the east, should invoke the Fire by means of this *mantra* as says **Nârada**[2]: "An iron ball fifty Palas in weight, having been made fiery, sparkling, and redhot, and after it has been heated thrice, thus should one address it in the language of truth." The meaning of this is: In order that the iron may be purified, the iron ball which has been well heated should be thrown into water, and again heated, and again thrown into water, and heating it a third time in the fire, and having then brought it forth by means of a pair of tongs, the performer (of the ordeal) should address it in the language of truth, *i. e.* containing truthful words, with the *mantrâ*: "O fire thou pervadest all created beings &c."

The Chief Judge, however, having kindled the fire called *Laukika*[3], towards the southern side of the enclosure, should offer 108 times the oblations of ghee with the *mantra*:—"This is being offered to fire the purifier", *vide* the *text*: "The (oblations of) ghee a 108 times." Having offered the oblations, and having thrown the iron ball into the fire, while the same, lying there, is being heated, he should perform the ritual described before commencing with the invocation of the God *Dharma* and ending with the offer of oblations, and while the ball is lying being heated the third time, he should address the fire in the (heated) iron ball by the following invocation:

"O Fire, thou art the four Vedas (themselves incarnate) and to thee are oblations offered in sacrifices. Thou art the mouth of

1. *i. e.* the gerundial य in वीक्ष्य. Instead of the fuller clause "having seen my virtues &c." the construction used is "from my virtues and sins."

2. Ch. I. 289–290.

3. *i. e.* ordinary; as distinguished from special fires kindled on special occasions.

all gods, thou art (also) the mouth of the philosophers. Being in the abdomen of all beings, thou knowest all their good and bad deeds. Since thou purifiest the sins thou art called 'the purifier'. In the case of sins, O Fire, exhibit thyself *i. e.* appear in flames, O thou holy purifier ! while in the case of purity of the heart, be cool, O consumer of all oblations. O Fire thou movest in the hearts of all gods as a witness. O god, thou alone knowest those things which no human being knows. This mortal being accused at Law wishes to get himself cleared; therefore it behoves thee to free him from this charge according to the sacred Law, *Dharma*."

S'ûlapâṇi.

Yâjñavalkya, Verse 104.

Thereafter, after heating the iron ball, this mantra one should repeat[1]. "O you purifier, you wise," &c. all in the vocative case. (104).

Yâjñavalkya, Verse 105.

After he has addressed in that manner, he should place in both his hands a smooth ball of iron weighing fifty palas and red (heated) like fire.

Mitâks'harâ:—Moreover, **tasya**, *of him, i. e.* of the performer (of the ordeal) while thus **uktavataḥ**, *addressing, i. e.* while invoking with the *mantra*: "O fire thou pervadest the innermost parts of all beings &c." **lauham**, *the iron, i. e.* made of iron, **piṇḍam**, *ball*, **panchâs'atpalikam**, *weighing fifty palas, i. e.* of the quantity of fifty *palas*, **samam**, *round*, having no angle *i. e.* rounded and even on all sides and polished and eight fingers in length, *vide* the text of **Pitâmaha**: "After removing all angles and making it even, a ball of iron of eight fingers weighing fifty *palas* should be heated in the fire." **Agnivarṇam**, *red like fire, i. e.* resembling fire; **ubhayoḥ hastayoḥ**, *in both hands*, covered with the *as'wattha* leaves, curds, the *durwá* grass, and other things, **nyaset**, *should place, i. e.* the chief judge should deposit.

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1. This is an addition in the ञ manuscript.

S'ûlapâṇi.

Yâjñavalkya, Verse 105.

Made of fifty *palas*, an iron ball of eight fingers, made smooth without an angle and also along with the *mantra*, he should place in the hands of him—*i. e.* the performer of the ordeal. (105).

What then should be done? So the Author says

Yâjñavalkya, Verse 106 (1).

He having taken it (into his hands) should walk through only seven circles slowly.

Mitâkṣharâ :—**Sa**, *he*, *i. e.* the man, having taken the heated iron ball in the cavity of his hands, **sapta** Page 66. **maṇḍalâni sanaiḥ, vrajet**, *should walk seven circles slowly*. By the use of the term **eva**, *only*, the Author indicates that the foot-steps should be placed within the circles, and that he should not go beyond the enclosure, as says **Pitâmaha**, "He should not go out of the enclosure, nor should he put his foot inside (the rim)."

It has been said above that "he should walk through only seven circles slowly." There a question may arise as to where are the measurements for one maṇḍala each, and what should be the space intervening between two rounds? So the Author says

Yâjñavalkya, Verse 106.

A Maṇḍala or a round should be understood to be sixteen fingers (in diameter), and the same should be the space intervening (between two maṇḍalas or circles).

Mitâkṣharâ :—That (the length) of which is sixteen fingures is *a* **ṣhoḍasâñgulakam**, *sixteen Angulas*. The circle should be understood to be of the dimension of sixteen Angulas. The **antaram**, *space intervening*, *i. e.* the distance between two circles is (to be) the same.

By saying however that he should walk through seven circles each of sixteen angulas, is meant to include the first circle in which he is standing and therefore, in all there would

be eight circles of sixteen fingers each, while other circles (than the one at the centre) would be seven of the same dimension. This very thing has been stated by **Nârada**[1] by the method of enumeration thus: "The interval between every two circles is ordained to measure thirty-two fingers or *angulas.* Thus the space covered by the eight circles will be a little more than two hundred and twenty four[2] by the measure of *angulas*".

The meaning is this: The circle other than the first circle and at a distance of sixteen *angulas* is the second circle. Each circle being removed further on from the second and at a distance of thirtytwo *angulas* from the first circle, leaving a space of sixteen angulas. Thus seven circles should be gone round each having an intervening space of thirty-two *angulas.* Thus the space of ground intervening between the seven *maṇḍalas* would be two hundred and twenty-four *angulas* in terms of *angulas.*

The suffix तस् is used to indicate all inflexional cases. According to this view, after having made the central round of sixteen *angulas* in measurement, each one of the intervening spaces measuring thirty-two angulas and lying between the seven *maṇḍalas* should be divided into two, and the ground of the intervening space should be fixed at sixteen *angulas*, seven *maṇḍalas* should be created measuring twice sixteen *angulas* the breadth of each being according to the measure of the foot of the person who has to go round. As has been said by the same Author:[2] "A round should be made as broad as his foot."

As to what has been said by **Pitâmaha** *viz.*: "Eight circles should be made, and also a ninth in the front" the first circle should be dedicated to the god *Agni* (fire), the second to (the god) *Varuṇa* (water), the third to the God *Wāyu* (wind), and the fourth to the God *Yama*; the fifth is consecrated to the God *Indra,* and the sixth is said to be for *Kubera*; the seventh is for the God *Soma,* and the eighth to the *Sun,* and the ninth is for all Gods. This is the practice known to all experts in ordeals.

1. Ch. I. 285, 286.

2. In the printed edition of Narada the reading is षट्पञ्चाशत् 'fifty-six'; thus the total would be 256.

The interval of space between every two circles is ordained to be thirty-two angulas. Thus the space covered by the eight circles is supposed to measure two hundred and fifty-six angulas. A circle should be made as broad as the foot of the person performing the ordeal. The *kus'a* grass should be spread over all the circles as dictated by the *S'âstra.*"

There (the meaning is that) after making the ninth circle which is intended for all gods and which is unlimited by any measurement of angulas, the eight circles and the eight intervening spaces together cover a space of two hundred and fifty-six angulas. There also (the number of) circles (actually) to be walked through would be seven only. Since he stands in the first and throws down the ball in the ninth,and so there is no difference as to the measurement of angulas. "Eight slanting barleys or three rice-corns make one *Angula*, twelve *Angulas* make one *Vitasti*, two *Vitastis* make a *Hasta*, and four *Hastas* (make) one *Daṇḍa*. One thousand of these (*i. e. Daṇḍas*) make one *Kos'a*, and four of these (*i. e. Kos'as*) make one *Yojana.*" Thus should be understood (the table of measurement).

S'ûlapâṇi.

Yâjñavalkya, Verse 106.

Here, the accused, taking hold of the iron ball should walk through the seven *Maṇḍalas* (circles) made of cow-dung, more than seven. Each circle and the distance between each pair of *Maṇḍalas*, shall be sixteen fingers. (106).

After having gone through the *seven* circles what should be done ? so the Author says

Yâjñavalkya, Verse 107 (1.).

After he has thrown away the (ball of) fire and rubbed his hands with rice, if he is (found to be) unburnt, he should obtain an acquittal.

Mitākṣharā:—Standing in the eighth circle and after throwing away in the ninth circle the iron ball heated with fire,

having pressed the rice corns with both his hands, if it is found that his hands remain unburnt, **s'uddhim āpnuyāt,** *he should obtain an acquittal.* It follows from this that if his hands be burnt he is considered to be guilty.

One, however, who through fright stumbles and is burnt elsewhere than on the hands, even then he is not considered as guilty. As says **Kātyâyana**[1], "If while under a charge, one stumbles and is burnt elsewhere than at the proper spot, the Gods consider him as unburnt, and he should be awarded the entire claim."

* Page 67.

Yâjñavalkya, Verse 107 (2).

If the ball falls down on the way, or in the case of a doubt, he should carry (it) again.

Mitâksharâ:—If while (he is) walking, the ball falls, **antarâ,** *on the* way, *i. e.* even before the eighth circle is reached, or if **sans'ayaḥ,** *a doubt* arises, as to whether he is burnt or unburnt, then, **tadâ punrâharet,** *he should carry it again.* Thls is the rule laid down and as necessarily follows from the sense.

Here, however, the following is the order of procedure. On the previous day having performed the purification ceremony, the next day, the Chief Judge should mark the circles according to Sâstra, worship the presiding deities of the circles in their respective places, consecrate the sacred fire and complete the *S'anti* sacrifice, and then after causing the ceremony of the consecration of the hand, by the pressing of the rice corns &c. to be made, of the person performing the ordeal who had observed a fast, and who after having bathed was standing with wet garments in the western circle, and after tying on his forehead the leaf containing the charge by repeating the *Mantra,* the Chief Judge should invoke the God Fire when the ball, is heated a third time, and lifting with a tong the heated iron ball which had been duly addressed (by the performer), he should place it in the hands of the person performing the ordeal. And this latter

1. Verse 441.

also if after walking through seven circles and throwing down the ball in the ninth remains unburnt, then he is declared innocent.

Here ends the Ordeal by **Fire.**

Viramitrodaya.

Now the Author states the procedure for the ordeal by fire, reached in due course

Yâjñavalkya, Verses 103, 104, 105, 106, 107.

Tato, 'thereafter', *i. e.*, after the process stated in the general rules of procedure for the ordeals, and the invocation of the God Dharma &c. *vimṛdita*, 'rubbed', *i. e.*, crushed, *vrihayo*, 'paddy', by which–of this description the two hands—; *lakṣhayitwâ*, 'marking' the Chief Judge in the palms of the hands joined together, seven white *pipal* leaves should be taken; *vide* the text of **Nârada**: "Should encircle the white hands with seven fibres of thread". Here, "Having placed the *śami* leaves, *akṣhatâ* grains and also the *durwas*, these shonld be deposited in the leaves" has been mentioned as a special rule in **another Smṛti.**

Nârada[1]: "In all cavities in the hand one should make the previous marks; and these should again be examined and dotted with spots; thereafter, the seven leaves one should encircle with seven thread strings."

Thereafter, while repeating the verse, "O fire &c.", he (the Chief Judge) should place on the hands of the person performing the ordeal—and by the use of the word *api*, 'even', on the *pipal* leaves lying theron—the iron ball weighing fifty *palas* and coloured red-hot as fire.

The meaning of the *mantra* is: "O Fire, *pâvana*, 'the purifier', *i. e.*, the purifying cause; *Kave*, "Omniscient', *i. e.*, all-knowing; *sarvabhûtânâm*, 'of all created beings', *i. e.*, of all sentient beings; *antaḥ*, 'in the innermost', *i. e.*, inside; *charasi*, 'pervadest', *i. e.*, move about for the purification of food, drink &c. In the expression *puṇyapâpebhyaḥ* the ablative case is by the elition of the gerundial termination—the meaning is—after having examined the merits and the sins, like a witness declare the truth about me.

In this connection is a **Smṛti**[2]: "An iron ball red hot like fire, sparkling and well marked, weighing fifty palas, having purified it again and again, by heating, the Brâhmaṇa at the third time while it is burning,

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1. Ch. I. 301. 2. See Nârada I. 289 &c.

should address it premised by truth as follows: "Listen to this law of men, which has been presided over by the guardian deities of the world. Thou, O Fire, live within the inside of all beings; like a witness, you alone, O Fire, know things which men do not know. This man accused in a court of law desires exhoneration; therefore be pleased to relieve him from this suspicion according to Dharma."

The person performing the ordeal, having taken up the iron ball should slowly walk through the seven circles. By the use of the word *eva*, 'only', is indicated the stepping of one foot in the circles and the non-transgression of the circle; as says Pitâmaha: "Never should he step beyond the circle; he should place his foot inside; having gone to the eighth *Maṇḍala*, the wise should throw it in the ninth".

A *Maṇḍala*, 'circle', moreover, should each be known to be sixteen fingers in measurement, and should have an intervening space of sixteen fingers between each.

Now, if after reaching the eighth *Maṇḍala*, and standing there, after throwing it in the ninth *Maṇḍala*, and even after rubbing the paddy if he be *adagdhaḥ*, 'is unburnt', then he should get *śuddhi*, 'acquittal, *i. e.* success in the point at issue. If, however, even before the eighth circle (is reached) the iron ball drops down, or there be a doubt whether he was burnt or not burnt, then again also according to the procedure stated before, he should carry the iron ball in his hands.

Thus, this is the order here: "On the previous day after having observed a fast and taken his residence, the performer of the ordeal, on the next day, having invoked the God Dharma with the *mantra*, 'Come, come, Oh revered Dharma', having placed on his hand the document, through the nine circles each of the dimension of sixteen fingures and each having an intervening space of sixteen fingers, and marked with rice flour or the like, while standing in the first circle, after the hands were examined and the places of scars having been marked with red dye, when the iron-balls are heated three times, and after he was addressed by the Chief Judge with the words, "Hear this law prepared for men &c.," after having placed seven pipal leaves on the palms, and encircling it with seven white threads together with the pipal leaves, barley, *durvas*, and *śami* leaves, and having placed thereon the red hot iron ball, after having in order passed through the other six circles, while standing in the eighth, should throw the iron in the ninth. Thereafter after the paddy grains were crushed by the hands, when he is found to be unscathed, he should be declared as

innocent. Even if burnt in any limb other than the hands, still he should be (regarded as) innocent. (103–107).

S'ûlapâṇi.

Yâjñavalkya, Verse 107.

Under the text of the **Kâlikâ Purâṇa**, viz.: "After having gone round he should throw it in the grass", having thrown the red-hot iron ball in a heap of grass, after crushing the paddy grains, if he remain unburnt, he gets exhoneration. A special rule is stated by **Pitâmaha**: "Then in his hands should be placed paddy grains or barley; and when after these being rubbed in the hands unhesitatingly, he remains without any injury to the end of the day, he should get an acquittal". If it falls in the interval of the seven circles, or is burnt, or if there be a doubt, he should have the fire again". **Kâtyâyana**[1]: "If the accused falters, or is otherwise burnt; the Gods do not consider him as burnt; to him, it should be offered again". (107).

Thus ends the Ordeal by fire.

Now the Author states the ordeal by Water

Yâjñavalkya, Verse 108.

"Protect me thou for (the sake of) truth, O Varuṇa" thus having invoked (the God of) water, one should enter the water navel-deep catching hold of the thighs of one who was standing in the water.

Mitâksharâ:—**Varuṇa satyena mâmabhiraksha twam**, '*O Varuṇa thou shouldest protect me for (the sake of) truth*', by this mantra having **abhisâpya**, *invoked, i. e.* addressed, **kam**, *i. e. water*, catching hold of the thighs of **nâbhidadhnodakasthasya**, *one who was standing in the water navel-deep, i. e.* of a man who was standing in water to the level of his navel, the person wishing for purification, **jalam pravis'et**, *should enter the water, i. e.* should immerse himself in water.

This, however, (should be done) after the worship of the God Varuṇa has been finished; *vide* the text of **Nârada**: "He should first offer worship to the God Varuṇa with concentration by means of

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1. Verse 441.

fragrant besmearings, and flowers, and by means of honey, milk, ghee &c." Similarly after the general procedure is observed *i. e.* that beginning with the invocation of *Dharma*, and ending with the worship of all the deites, the performance of the sacrifiee, and the placing on the head of the document containing the plaint. For, after the Chief Judge has addressed the water *viz*: "O water, thou art the life of all sentient beings, wert created before the creation; thou hast been mentioned as the means of the purification of things as well as of corporate beings, hence, O discriminator of the auspicious from the inauspicious, thou shouldest exhibit thyself", the person wishing for an ordeal should then invoke Varuṇa with the *mantra* "O Varuṇa protect me for truth &c." The places for water, have, moreover been mentioned by **Nârada**[1] "In streams which have a smooth current, in oceans in rivers, in lakes, in ponds, in holy ponds, in tanks and in pools".

So also (has been said) by **Pitâmaha**: "He should plunge in water which is steady, and not (that) in which are crocodiles, nor which is shallow, that which is devoid of grass or moss, and which is free from leeches and the fish; he should make the purification in water which is in the holy ponds. One should always avoid the water which has been brought, as also the water in swiftly flowing rivers. He should always enter such water as is free from waves and mud." *Brought*, *i. e.* water brought from tanks & and stored in copper pans.

The man standing in the water navel-deep should be firm, grasp a consecrated pillar made of the holy tree and stand with his face towards the east; *Vide* the text[2]: "He should stand in water with his face towards the east and grasping the sacred post."

S'ûlapâṇi.

Now the Author states the ordeal of water

Yâjñavalkya, Verse 108.

"O *Varuṇa*, 'protect me by the truth,' thus having caused the oath to be taken in regard to the water to be drunk, and by catching hold of the thighs of another man, either a Bráhmaṇa, Kṣhatriya, or a Vaiśya, who was

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1. Ch. I, 305. 2, Nārada I, 308.

standing in water to the depth of his navel, he should immerse in steady water. **Pitâmaha** : " The wise man should cause a circle to be made, and should devoutly honour it, and the arrows with flowers and incense, as also the bamboo bow." (108).

What should be done then ? So the Author proceeds

Yâjñavalkya, Verse 109,

When another swift runner brings back the arrow discharged simultaneously (with the immersion) and if he sees him with his (entire) body immersed in water, he obtains an acquittal.

Mitâkṣharâ :—When, **samakâlam**, *simultaneously*, with the immersion (of the defendant) one swift runner had gone, **anyaḥ javi**, *another swift runner*, standing at the place where the arrow had fallen, brings back the arrow first discharged, and if he sees him (*i. e.* the person performing the ordeal) **nimagnângam**, *his body* (still) *immerced in water*, then he is declared innocent.

This is the substance of what is (meant to be) said :—After three arrows are discharged one man endowed with a velocity goes to the place where the middle arrow has fallen, and taking it up stands there also. Another runner, also swift, stands at the place from where the arrows are discharged, *i.e.* at the bottom of the arch. When the two are thus stationed, the person performing the ordeal immerses into the water at the third clap of the hand (of the Chief Judge.) And even simultaneously with this the man standing at the base of the arch goes swiftly to the place where the middle arrow had fallen, and immediately after his arrival there, the one standing with the arrow held in his hand swiftly going to the base of the arch, if he does not see him (*i. e.* the performer of the ordeal) on account of his being immersed in water, then he is declared innocent.

* Page 68.

This very thing has been made clear by **Pitâmaha** : "The running and the immersion (respectively) of the runner and of the performer of the ordeal should be simultaneous. A swift runner should go from the base of the arch to the spot where the arrow has fallen. Immediately after his arrival there, the second also quickly

taking up the arrow should go to the base of the arch from where the first man started. If the one with the arrow in his hand, on his arrival (at the base of the arch) does not find him, because he was completely immersed under water, then he, *i. e.* the Chief Judge, should declare his innocence."

Nârada, moreover, has laid down the rule for determining the swift runners thus: "Those two men who would stand first in running among fifty runners should be appointed for the purpose of bringing back the arrow." The arch also should be erected on a level ground near the place of immersion, and equal to a height as far as the ear of the person performing the ordeal. *Vide* the text of **Nârada**: "Having reached the place near the water an arch as high as the height (of the performer) upto the ear should be erected on a level ground".

The three arrows as also the bow made of bamboo should first be worshipped with auspicious things such as white flowers &c. *vide* the text of **Pitâmaha,** "First the arrows he should worship, as also the bow made of bamboo by means of auspicious articles such as smelling odours, flowers &c. and then should he begin the performance."

The measurement of the bow as also the place of the target have been mentioned by **Nàrada**[1]: "A strong bow is declared to be 107[2] (angulas) long, a moderate bow 106, and an inferior bow 105 (angulas). This is declared to be the rule regarding the bow. With the moderate bow a wise man should discharge three arrows having fixed the target at a distance of 150 hastas; if arrows are thrown at a less or a greater distance there would be a flaw." *A hundred and seven* (107) means one hundred and seven of angulas; this is a strong bow. Similarly, also, about 106 and 105 (respectively). Thus the dimension of a strong bow has been mentioned to be eleven angulas in excess of four hastas, of a moderate bow, ten angulas, and of an inferior bow, nine angulas.

1. Ch. I. 307.

2 It may also mean 700, 600 and 500 Angulas respectively, the original words being सप्तशतम्, षट्शतम् and पञ्चशतम्. The *Mitâksharâ* interprets these as a hundred plus seven, hundred plus six, and hundred plus five.

The arrows, moreover, should be made of bamboo without an iron; *vide* the text[1]: "For the purification, arrows should be prepared of the bamboo tree without any iron at the end, and the person discharging it should discharge forcefully". The person for discharging the arrow to be appointed, should be a Kshatriya or a Brâhmaṇa living like Kshatriya, and one who has observed a fast as has been said[2]: "The person to discharge (the arrow) has been laid down to be a Kshatriya, or a Brâhmaṇa living like him. He should not have any cruel thoughts in his mind, must be calm and must have observed a fast, and then should discharge (the arrow)."

Of the three arrows when discharged, the middle one should be taken, since it has been so laid down in the *Sâstra*; *vide* the text[3]: "The middle-most arrow, however, should be taken up by a strong man." There also, the arrow should be brought from the place where it falls, not to where it moves on; *vide* the text: "The place where the arrow falls should be considered, while the spot where it moves should be avoided, since an arrow may go a long distance by moving and moving." The arrow, moreover, should not be discharged when the wind is blowing violently, nor on a ground which is uneven &c; *vide* the text of Pitâmaha: "A learned man should not discharge the arrow when the wind is blowing violently, nor on a spot which is uneven, is covered by trees, or is covered by grass, bush, creepers, plants, mud, or stones."

By saying that "if he sees him with his entire body immersed in water he obtains an acquittal", the guilt has been declared of one whose body is seen above water. Where the person moves to another place a guilt has also been declared by Pitāmaha thus: "Otherwise there shall be no acquittal if even one limb is seen" (also) "Or by his going to a place other than that where first he was made to enter." The expression "if even one limb is seen" is used in reference to the ear &c. as there is a special text[4] viz: "He (the judge) may declare him also as innocent if after immersing into the water his head alone is seen, and not the ears, nor the nose."

1. Of *Kâtyâyana*, Verse, 442.
2. By Pitâmaha.
3. Of Nârada; Ch. I. 310.
4. Also of Pitâmaha.

The order of procedure here is this: Near the store of water as characterized above, having set up an arch of the description given before, and having fixed the target at a place and at a distance as stated, having properly worshipped the bow together with the arrows near the arch and invoked Varuṇa in the store of water, and offered worship to him, having moreover, on the bank (of the water) offered oblations to Dharma and other gods at the end of a sacrifice, the Chief Judge should tie the document containing the complaint on the forehead of the person wishing to perform the ordeal and thus address the water with the *mantra.* "O Water thou art the life of living beings &c." Then the person performing the ordeal having invoked the water with the *mantra,* "(protect me) by the truth &c." should go near the strong man who has grasped firmly the pillar and who is standing in water navel-deep. Then, after three arrows are discharged, and after one swift runner has taken his stand at the spot where the middle arrow falls, holding in his hand the middle arrow, and another has stood at the base of the arch and when after this the Chief Judge has given three claps, the running, immersing, and bringing back the arrow should simultaneously take place.

* Page 69.

Thus ends the Ordeal by **Water.**

Viramitrodaya.

Now the Author states the procedure for the ordeal of water, reached in due course

Yājñavalkya, Verses 108, 109.

O Varuṇa, *satyena,* 'for truth', *twam,* 'you', *mâ,* 'me', *i. e.,* myself, *abhirakṣha,* 'protect',. Thus having, **abhipragâya,** 'loudly addressed' *i. e.,* invoked 'water', *kam.* In some places such itself is the reading[1]. *Nâbhidadhnam,* 'navel deep' *i. e.,* measuring as far as the navel, of one standing there *i. e.,* of a man, catching hold of the thigh, *ialam viśet,* 'one should enter the water', *i. e.,* should get immersed into water, the performer of the ordeal. At that time while one with a swift pace has started, another man with a swift pace who was standing at the place from which the arrow was discharged, when he brings back the

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1. The several readings are अभिशाप्य, अभिप्रगाय.

arrow and has seen the performer of the ordeal with his body immersed, then he gets an acquittal.

This is what is intended to be said: At the immersion time when an arrow had been discharged and a swift runner had gone to bring it, another arrow immediately discharged thereafter another swift runner brings back, and if at that time he sees him immersed, then he becomes exhonerated. Here, this is the procedure: "At the outset one should concentrate and offer worship to *Waruṇa* with sandal paste, fragrant flowers and with sweet milk, ghee &c.," so says **Nârada**. Thereafter, after observing the procedure as stated before viz. from the invocation to the placing of the document on the head, the Chief Judge should address the (God of) Water thus: "Oh Water, thou art moving in the innermost recesses of all created beings, and being a witness, you alone, O Water, know those things which mortals do not know. Being accused in a judicial proceeding this mortal is immersing in you, therefore be pleased to free him from this suspicion according to law." Then the performer of the ordeal should offer a prayer to the Water thus. "O Waruṇa, protect me for truth &c." Thereafter, in the still water when another man has entered into it, and with his face towards the East was standing still at a navel-deep spot, the Chief Judge should offer worship to the bow together with the arrows placed near an arch high upto the ear's height and erected near the place of immersion. Then a Brâhmaṇa or a *Kshatriya* who has observed a fast, discharges three arrows. When, catching hold of the thigh of the man standing in the water, the performer of the ordeal takes a plunge into the water, that is one period. There one strong man with a swift pace takes the first arrow, and a similar one, another taking up the middle arrow sees the performer of the ordeal still immersed. Here **Pitâmaha**: "Otherwise he shall not be declared to be innocent if even one limb is seen; or if he is seen to have gone to another place where first he was made to enter." (108–109).

S'ûlapâṇi.

Yâjñavalkya, Verse 109.

Synchronously with the discharge of the arrow when a very swift runner has gone to bring back the arrow, when he is gone, another man equally swift in pace taking up the middle arrow and when he comes back and sees the performer of the ordeal still immersed with his limbs in water, then the king should declare his innocence. **Bṛhaspati**: "Taking up the middle arrow, another man of the same calibre, returns to the

place from where the (first) man had gone, and on arrival if he does not see the man who is immersed into the water below, then his innocence should be declared, otherwise he will not be considered as innocent, even if one limb is seen."

Pitâmaha : "The person to discharge (the arrow) to be selected should be a *Kshatriya*, pure in character, or even a Brâhmaṇa ; one with a not unkind heart, quiet, and who has observed a fast and has kept himself pure." (109).

Thus ends the Ordeal by Water.

Now the Author describes the Ordeal by Poison

Yâjñavalkya, Verses 110, 111.

"O Poison thou art the son of Brahman. Thou art established in truth and virtue ; clear me from this charge. Out of (regard for) truth, be like ambrosia to me." (110).

Having addressed thus, he should swallow the poison called S'arnga (or ginger) produced on the Himalaya mountains ; of him by whom the poison becomes digested without convulsions (The Chief Judge) should declare the innocence (111).

Mitâksharā :—With the *mantra*, **Twam vishetyādi**, "O poison &c." having addressed the poison, the person performing the ordeal should, **bhakshayet** *swallow*, **wisham himasailajam**, *poison produced on the Himalaya mountain, i. e.* produced on the mountain peaks. And when such a poison when swallowed by a man is digested, **vegairvinâ**, *without convulsions*, such a one is declared innocent.

Convulsions from poison occur by the transmission of one humour[1] of the body with another ; *vide* the text[2] : "The transmission of a humour of the body into another is known as the

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1. धातु—A humour of the body. According to the principles of Aryan Medicine the principal humours which regulate the condition of the body are वात, (wind), पित्त (biles) & कफ (phlegm). A disturbance in the normal condition of any of these causes all the diseases of the body.

2. Of Pitâmaha,

convulsion of poison." The humours, moreover, are seven[1] *viz.* "The skin, blood, flesh, fat, bones, the marrow, and the semen". Thus the convulsions of poison would be seven also. The characteristics of these have, moreover, been mentioned in the treatise on poison **Vishatantra** thus: "The first convulsion from poison brings on a horripilation, and the one next to it (cause) perspiration and the dryness of the mouth; the two next following cause in the body the change of colour and violent tremour. That which is (called) the fifth convulsion brings on syncope, chocking of the throat, and the hiccough; the sixth (creates) fast breathing and coma, and the seventh causes the death of the consumer (thereof)."

Here, moreover, the worship should be offered to the God Mahâdeva, as says **Nârada**: "One who has observed a fast should administer (the ordeal of) poison in the presence of gods and the Brâhmaṇas, after having worshipped (the God) Mahes'wara by means of fragrant scents, codiments, and with *mantras*." The Chief Judge after having observed a fast, should worship the deity Mahâdeva, and placing the poison before it, should offer worship to Dharma and others, terminating with a sacrifice, and thereafter having placed the document bearing the complaint on the head of the person performing the ordeal should thus invoke the poison:—*viz.*:—"O poison thou hast been created by Brâhman for testing the wicked, (therefore O) expose the soul of the sinners, while be like ambrosia to the pure-minded. O poison thou who art Death incarnate, thou hast been created by Brahman, free this man from this (charge of a) sin and become nectar to him by (regard to his) truth."

Having thus invoked, he should give it to one who is standing with his face turned towards the south; *vide* the text of **Nârada**: "To one who is standing with his face towards the South, and also in the presence of the twice-born, with his face turned towards the North, or the East, and with concentrated mind he should administer the poison."

The poison, moreover, to be taken should be the *Vatsanâbha* poison or the like; *vide* the text of **Pitâmaha**: "Of the *vatsanâbha* from the mountain heat or of a poison produced on the Himalayas."

1. These are त्वक्, असृक्, मांस, मेद्, अस्थि, मज्जा & शुक्र.

The poisons to be discarded have similarly been laid down: "Distilled poisons, as also poisons which are old, or are artificially prepared, and those produced from the earth—all these poisons should be entirely excluded". Also by Nârada[1]: " Purified poison, as well as poison which has been distilled, similarly, scented and mixed poison, as also the *Kâlakûta* and the *Alâbu* poison, should be carefully avoided."

The time also has been mentioned by Nârada[2]: " Having weighed the poison which is intended (to be given), it should be administered at a time when the winter has set in. A man knowing the Dharma must not administer it) in the afternoon, nor in the twilight." In any other period, however, a less quantity than that laid down as the standard, should be given, *vide* the text[3]: "Four yavas should be given in the rainy season, and it has been laid down that five yavas should be given in the Grîṣhma. In the Hemanta it should be seven yavas, and in the S'arad even less than that". By less is meant six yavas. By the mention of Hemanta, S'is'ira also is included; *vide* the S'rûti text *viz.*: "By the combination of Hemanta and S'is'ira."

Since Vasanta has been regarded as a period common for (the administration of) all ordeals generally, seven

* Page 70.

should be given during that season, and the poison also should be given after it is covered with clarified butter; *vide* the text of Nârada[4]: 'Let him give to the person performing the ordeal, one-eighth less than twentieth part of a sixth part of a Pala of the poison, mixed with clarified butter." A Pala here, moreover, is equivalent to four gold coins. Its sixth part would be ten Mâṣha and fifteen Yavas. Three yavas make one Kriṣhṇala, and fifteen Kriṣhṇalaks make one Mâṣha; thus fifteen yavas make one Mâṣha.[5]. In this way the (number of) yavas in ten Máṣhas would be one hundred and fifty, and this together with the ten yavas mentioned above make up (the total of) 160 yavas—

1. Ch. I 321. शृंङ्ग. Another reading is श्रृङ्ग—spoiled poison.
2. Ch. I. 319 and 320.
3. Nárada Ch. I. 324.
4. Ch. I. 323.
5. दशानां is a better reading. पञ्च दशानां appears to be wrong.

this is the sixth part of a Pala. A twentieth part from this would be 8 yavas. A twentieth part less by one-eighth of this *i. e.* less by one yava *i. e.* seven yavas he should give mixed with clarified butter. The clarified butter should moreover be taken thirty times the (quantity of) poison, *vide* the text of **Kâtyâna**[1]: "The poison should be administered to men[2] in the forenoon and in a cool place; it should be pounded and smooth, and should be mixed with clarified butter thirty times the quantity (of the poison)" *i. e.* the poison (should be) mixed with clarified butter thirty times its quantity.

The person performing the ordeal should, moreover, be protected from sorcerers &c ; *vide* the text of **Pitâmaha** *viz.*: "The king should protect the person about to perform the ordeal from the danger of sorcerers &c. by guarding him with his own men for three or five days. He should also examine and see if there are hidden on his body any medicines, or spells, or any jewels which are effective as antidotes against poison, as also those secretly produced." Similarly the poison should also be guarded. *Vide* the text of **Nârada**[3]: "Poison from the mountain peak which is obtained from the Himalayas, is the best as ordained; such as has the colour, flavour, and taste, which is unartificial, not tempered, and which is not overpowered by any charms."

Similarly after the poison has been swallowed he should be watched for (an interval of) 500 claps of the hands, and thereafter should be examined, as says **Nârada** : " If after an interval of 500 claps of the hands he remains free from any effect (of the poison), then he is considered to be innocent; thereafter he should be examined". The interval of time however stated by **Pitâmaha** i. e. till the end of the day, has a reference to a small quantity of poison. " After swallowing it if he remains steady and without a swoon, and does not vomit and otherwise remains free from any effect till the end of the day, he should then be declared as innocent." Here also the procedure is as follows ; the Chief Judge after having observed a fast and worshipped the God Mahâdeva should place the poison before it, and after having offered a sacrifice to Dharma and other deities,

1. Verse, 450.
2. देहिनाम् Lit: corporate beings.
3. Ch. I 322.

and placed the document containing the complaint on the head of the person wishing to perform the ordeal, should address the poison and offer it to him who is seated with his face turned towards the South; the person performing the ordeal too should take the poison after addressing it.

Here ends the Ordeal by Poison.

Viramitrodaya.

Now the Author states the ordeal by Poison

Yâjñavalkya, Verses 110, 111.

"O Poison &c.", with this verse having addressed the poison, one should eat. He, moreover, by whom it becomes digested without convulsions, of him the Chief Judge should declare the innocence. The *S'ârnga* or ginger poison is well known as *singhia*, as has been said: "Having the luster of a goat's horn, blue in colour, and produced on the Himâlaya mountain, pure, having the luster of ginger, of a fine yellow colour, and unsurpassed."

"The transmission of a humour of the body into another is known as the conclusion of poison." Its characteristic is, horripilation, swoon, &c. An ordeal of that.

The procedure here is this: The Chief Judge having observed a fast, and worshipped Mahâdeva, and having placed before Him the poison, having performed the worship of Dharma terminating with the sacrificial oblations, placing the document of declaration on the head of the performer of the ordeal should thus address the poison with this *mantra*: "O poison, thou hast been created by Brâhman for testing the wicked; (therefore) expose the soul of the sinners, while be like ambrosia to the pure-minded. O poison, thou art Death incarnate, thou hast been created by Brâhman; free this man from this (charge of a) sin, and become nectar to hand by (regard to his) truth." Thereafter to the performer of the ordeal with his face turned towards the South, himself with face to the North or the East, in the presence of the Brâhmaṇas, he should give refined powdered poison mixed in clarified butter. By regard to particular seasons, particular proportions also have been mentioned in this connection by **Nârada**[1]: "Having weighed the poison which is intended (to be given), it should be administered at

1. Ch. I. 319–320.

a time when the winter has set in ; not in the afternoon nor in the noon, nor even in the twilight, should one knowing the D arma (administer it). In the rainy season, the measure is four yavas, and five yavas have been stated to be in the Grishma ; in the Hemanta, it is seven yavas, and in the Śarad, even less than that". 'Less', *i.e.* six yavas. Thereafter, the performer of the ordeal having addressed with the verse "O poison, thou &c." should consume it. (110-111).

Here ends the Ordeal by Poison.

S'ûlapâṇi.

The Author states the ordeal by Poison.

Yâjñavalkya, Verses 110, 111.

'*Sārngam*,' *i.e.*, "Having the lustre of a goat's horn, blue, and produced on the Himâlaya mountain, and in the effect having the lustre of ginger, extremely cooling and unsurpassed". Having taken in the hand such poison, and addressed with the verse "O poison. &c.", and consumed in the stated quantity, one in whose case it becomes digested without any convulsion, swoon, &c., that man shall be (declared to be) innocent. In some books, the following verse is stated as to be repeated (by him), "O poison thou art the son of Brâhman, established in the laws of truth; pray free me from this accusation, and by the (force of) truth be ambrosia to me." (110, 111).

Thus ends the Ordeal by Poison.

Now the Author describes the Ordeal by *Kos'a*

Yâjñavalkya, Verse 112.

Having worshipped the stern deities, he should collect the water in which they were bathed. Then after reciting (the formula), he should make the person drink therefrom three handfuls of water.

Mitâksharâ:—Ugrân Devân, *stern dities, i. e.* such as Durgâ, Âditya &c; samabhyarchya, *having worshipped, i. e.* worshipped with the sandal-paste, flowers &c. and after having bathed tat snânodakmâharet, *he should collect the water in which they were bathed.* After collecting it, the chief Justice should address it with the *mantra* " Oh water, thou art the life of all sentient beings &c.", and putting that water into another vessel he should pâyayet

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prasṛtitrayam, *cause three handfuls of the water to be drunk,* by the person performing the ordeal after the repetition of the *mantra,* "O Waruṇa protect me for the truth &c." This, moreover, should be done after the general procedure *viz.* the invocation of Dharma, the worshiping of all deities, the offering of the sacrifice, and the placing (on the head) of the document containing the complaint &c. has been observed.

Here also, the rule as to the deity to be bathed, the rule as to the procedure, as also the rule as to who is entitled to this ordeal have been stated by **Pitâmaha** thus: "Of that deity whose devotee he is, the water should be caused to be drunk by him. In the case of an equal regard for all the deities, the water of Āditya should be given to be drunk. The water of Durgā should be given for drinking to the thieves, as also to those who make a living upon their weapons. In the case of Durgà the tridant should be bathed, while of A'ditya, the circle should be bathed, so also the weapons of other Deities too should be bathed." This is the rule about the *deîties.*

The *rule* as to the *procedure* is: "In cases of trust, in all cases of suspicion, and also in a compromise—in these the *Kos'a* should be administered, always for the purification of the mind".

"The drinking of the *Kos'a* water is ordained in the forenoon for one who has observed a fast, has bathed, and has a wet cloth on, who is a believer, and who is free from vices." *Sas'ûka* is a believer. "The wise should not offer the *Kos'a* to the drunkard, to the, voluptuous as also to the rogues, and to those who are unbelievers[1]. The drinking of *Kos'a* should be avoided in the case of great criminals, irreligious or ungrateful men, eunuchs, low Bràhmaṇas, unbelievers, Vrâtyas and slaves." *Mahâparâdha* means a great crime. *Irreligious i. e.* who does not observe the duties laid down for the Varṇas in the several stages *i. e.* who is an atheist. *Lowborn i. e.* born of a Pratiloma union. *Slaves i. e* fishermen. This is the *rule* as to the *capacity of persons.*

* Page 71.

Moreover, after preparing a circle with the cow-dung, the person wishing to perform the ordeal should be seated facing the Sun, and

1. Nârada I 332.

then he should be made to drink. This is the rule to be deduced from the text of Nârada.: "Having called him who has been accused, and made him seated in the centre of a circle, and with his face towards the Sun, he should be made to drink three handfuls."

It may be asked, in the case of ordeals begining with the balance and ending with the poison the decision as to the innocence or guilt is immediate, what however in the case of *kos'a* ? so the Author says

Yâjñavalkya, Verse 113.

He on whom no calamity falls either by the act of the King, or of God within fourteen days, is innocent (and) there is no doubt.

Mitâkshara :—Chaturdas'ádannhaḥ, before *fourteen days*, yasya, *on whom*, râjikam, *by the act of the king, i. e.* by reason of the king, (or) daivikam, *by the act of God, i. e.* caused by God, vyasanam, *calamity, i. e.* trouble, ghoram, *dire, i. e.* great ; no, *is not, i. e.* certainly never, jâyate, *falls*, a minor one being unavoidable in the case of corporate beings—Sa s'uddhaḥ, *he should be* considered to be *innocent.*

If it fall after the interval there is no blame. As says Nârada[1] : "If a great misfortune even should befall him after the lapse of a fortnight, he must not be harassed by any one, since the fixed period has elapsed." This text is self-apparent. The rule "within fourteen days" is with reference to serious charges, since it comes to be mentioned after the prefatory observation. "These in the case of serious charges[2]." The other intervals mentioned by Pitámaha, have a reference to petty charges; *vide* the text : "The *kos'a* may be administered even in a petty case." These are (as mentioned in the text[3]) : "He in whose case a misfortune is seen

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1. Oh. I 331.
2. See above yajn. Ver. 95 Text p. 57. l. 25. Eng. Tr. p. 909,
3. Of Pitâmaha.

within three, seven, twelve or fourteen days, is considered to be guilty." These three intervals of time have to be adjusted by dividing the amount at stake which is less than the amount of a serious charge, and by allotting the periods of three days &c. to each portion respectively.

Thus ends the Ordeal of *kos'a*.

Viramitrodaya.

Now the Author states the ordeal of the *Kośa*

Yâjñavalkya, Verse 112, 113.

Having offered worship to the stern Deities, the Chief Judge should take up the bath-water of the Deity. The sternness, moreover, has been expounded by **Pitâmaha** thus : "Of that Deity, whose devotee he is, the water of it should be caused to be drunk by him. In the case of an equal regard for all the deities, the water of Âditya should be caused to be drunk. In the case of Durgā, the tridant should be bathed, while of Âditya, the circular halo ; in the case of other deities, the weapons should be bathed".

Tasmât, 'from it', *i. e.* from the bath-water, *prasṛtitrayam*, 'three handfuls' of water having made to trickle[1], he should be made to drink. Of one who has drunk the water no calamity from the king or fate, or any other difficulty such as a dangerous disease of a malignant type for an interval of fourteen days, *sa śudhhaḥ*, 'he is declared innocent' *i. e.* becomes successful. The meaning is that on an absence of a calamity within the time limit, no suspicion can stand. By the use of the word *tu*, 'however', is excluded the mixture of any other water. "He, in whose case a misfortune is seen within three nights, or seven nights, or twelve days, is declared to be guilty," this text of **Pitâmaha** has reference to accusations of a faulty or very faulty character ; thus there is no contradiction.

Here, moreover, this is the Procedure : Having prepared a circle with the cow-dung, and having placed the performer of the ordeal with his face towards the Sun, and performing the ritual ending with the placing of the document on the head, and after offering worship to the stern deities, from their bath-water taking three handfuls of water and having

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1. संस्राव्य. This is the reading in *Virmitrodaya*. The *Mitâkṣharâ* reads संश्राव्य.

addressed it: "O Water thou art......of the sentint beings &c."...... "O Varuṇa, protect me by truth", he (the Chief Judge) should cause the performer of the ordeal to drink. (112-113).

Thus ends the ordeal of *Kośa.*

S'ûlapâṇi.

Now the Author states the ordeal of *kośa*

Yâjñavalkya, Verse 112.

Having respectfully offered worship to stern deities, and having brought their bath-water, and after repeating the offence charged against himself, with face turned towards them, he should take three handfulls of the water. Pitâmaha states a special rule: "Of that deity of whom the particular man is a devotee, he should be made to drink the water. In the absence of any particular deity, he should be made to drink the water of Āditya. Within fourteen days' interval if no dire calamity from the king or fate occur to him, he should be declared to be innocent without doubt." 'Calamity,' *i.e.* an accident. 'Dire,' *i.e.* causing extreme pain. The rest is plain Pitâmaha: "If within three nights, or within seven nights, or within twice seven days, any misfortune is seen to occur to a man, such a one is a sinner." Kâtyâyana[1]: "If a calamity due to fate occurs within three weeks, the accused should be compelled to pay the amount, and also a fine. Not of himself only, but if it occurs to his relatives, such as a disease, fire, death of a kinsman, he should be compelled to pay the amount and a penalty. A wasting disease, diarrhœa, erruptions, pain in the palate and joints, eye disease, throat disease, and the colic pains are regarded as divine calamities for men."

Thus ends the ordeal by Koṣha.

OTHER ORDEALS.

The five principal ordeals beginning with the Balance and ending with the *Kos'a,* have been expounded as proposed by the Lord of the Yogis.

Other ordeals have been mentioned in another Smṛti having a reference to petty complaints, as says

Rice.

Pitâmaha[2]: "Now I proclaim the rule regarding the grains of rice which have to be chewed (by the party). This rice ordeal should be administered in

1. Verses 456-458.

cases of larceny, but on no other occasion whatsoever; this is certain. Let the judge who must have cleansed himself previously, use white grains of rice, and not of any other (corn), and let him place the same in an earthern vessel in the sight of the Sun. After having mixed them with water used for the bath (of the image of the Sun), he shall cause it to remain there. (In the next morning) one who has observed a fast and has bathed, on whose head the document containing the complaint has been placed, and who is seated facing towards the East, should be asked to chew the rice-grains and then to spit (the same) on a leaf of the holy fig tree and of none else, and when that is not available then on a leaf of a birch tree. He whose blood issues forth, or whose chin or palate becomes rotten, or the limbs shake, must be pronounced guilty."

The Chief Judge should cause one on whose head the document containing the complaint has been placed to chew the rice grains and to spit.

The form "having caused to chew" is gerundial. The general procedure which is common to all ordeals viz. the invocation of Dharma &c. should be followed here also.

Thus ends the Ordeal of Rice.

Heated Mâsha

The ordeal of the heated *Mâṣha* has been described by **Pitâmaha** thus: "A circular pot measuring sixteen angulas with a depth of four angulas should be made either of gold, silver, copper, or of earth, of circular size. And the same should be filled with clarified butter or oil weighing twenty palas, and then when this is heated well, a gold *mâṣha* should be thrown into it. He (*i. e.* the person performing the ordeal) should raise the heated *mâṣha* by means of the forefinger and one or two fingers near it. He who does not shake his fingers, or on whom no boil is produced, is deemed under the law to be innocent since his hand and fingers were unaffected. By the expression "should raise" is meant simply picking up from the vessel and not "throwing out".

Page 72.

Another process:—"The Judge after having cleansed himself, should throw clarified butter of the cow into a golden, silver, copper, iron, or earthen vessel, and should heat the same on fire. He shall then throw into it a polished coin bearing an impression and made either of gold, silver, copper, or iron. The pot (which has been heated to boiling) in which waves and circles are rolling and rising up, and which is incapable of being touched even at the nail-points (of the fingers,) he should test it by means of a green leaf (being dipped into it) and thus prodncing a crisping[1] sound. And then he should address it by the following *mantra* viz: "O clarified butter thou art the purest of all things, thou art the ambrosia at a sacrifice. Burn this man, O purifier, if he is guilty, and be as cold as ice if he is innocent." He should cause the coin lying in the clarified butter to be caught by the person (wishing to perform the ordeal) who has observed a fast, and who has then bathed and has wet clothes on. The umpires should then examine his forefinger. He on whom no boils are seen is to be considered innocent, otherwise he is guilty". Here also should be observed the ceremony of invoking the Dharma &c. The address to the clarified butter is to be by the Chief judge; the mantra to be addressed by the performer of the ordeal is "O fire thou art of all sentiet beings &c.', From the text "they should examine the forefinger," the picking up of the coin is to be made by the forefinger only.

Thus ends the Ordeal of the heated *Mâsha*.

Dharma and Adharma.

The ordeals of the Dharma and Adharma have been mentioned by **Pitâmaha** thus: "Now I shall describe the test by Dharma and Adharma in the case of men who are guilty of assault, who are pressed for payment, and those who desire to perform the expiatory ceremony." *Guilty of assault i. e.* in charges of assault. *Who are pressed for payment i. e.* in money claims. *Who desire to perform an expiatory ceremony i. e.* in

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1. चुरुकार is the particular sound which is produced at the combination of fire and water c/o the Marathi चुरं.

accusations of sins. The rule as to the image is this: "The (image of the) Dharma should be caused to be made of silver, while that of Adharma either of lead or of iron."

He also mentions **Another Course:** "(The images of) Dharma Adharma should be painted and in white and black (respectively) on the leaf of a birch-tree or on a cloth. Having anointed the same by means of the Panchagawya[1] he should worship them with sandal-paste and flowers, the Dharma having white flowers, while the Adharma having black flowers on." Thus anointed, the two should be placed on two balls. The balls should be prepared either of cow-dung or of earth, and should be placed unseen in an earthern pot which is unbroken, and (the pot) should be placed in front of the Gods and the Brâhmaṇas on a spot which has been washed and cleaned. Then, as mentioned before, the guardian Deities he should invoke, and after invoking Dharma, he should write the document containing the complaint.: "If I am free from guilt, let the image of Dharma come up into my hand, and if I am guilty let the image of sin come in accordance with the law."—thus shall the accused address. "Then the accused shall forthwith take one of the two (images). If he takes the image of Dharma he is considered to be innocent, if of Adharma he is (considered to be) defeated. Thus has been described in short the ordeal by the Dharma and Adharma."

Thus ends the Ordeal of Dharma and Adharma.

Oaths.

Others also *viz* oaths, have been mentioned by **Manu**[2] and others as being applicable according to the greater or less value of the amount, as also having a reference to particular caste, thus: "In the case of (where the value of the subject matter is) a *Nishka*, there shpuld be an affirmation on oath; in the case of two *Nishkas*, the touching of the feet; and for less than three, an oath by the meritorious deeds; and after that the drinking of the *Kos'a* water. "Let the (Judge) cause

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1. पंचगव्य is a special combination prepared by mixing together the five bovine products *viz.* milk, curds, butter, the urine, and the dung, all pertaining to a cow; and hence (it is) called पंचगव्य.

2. Ch. VIII 113-114.

a Brâhmaṇa to be sworn by his veracity, a Kshatriya by his chariot or the animal he rides on and by his weapons, a Vais'ya by his kine, grain and gold, and a S'udra by (the imprecation of) all the heinous sins."

Here, moreover, the index of the innocence has been given by **Manu**[1]—*viz.*: "He who meets with no speedy misfortune, must be held innocent on (the strength of) his oath." The misfortune also has been stated above in the text[2]: "On whom no calamity falls either by the act of God or that of the king" The rule as to the duration of time also should be observed to be to commence from one night and to extend to three nights, commencing from the third night and extending as far as the fifth night, or of one night &c., after determining the importance or pettiness of the case in hand. The penalty also has been mentioned by **Kâtyâyana**[3] when thus the success or defeat of a party has been determined by means of ordeals, "The innocent should be caused to be paid half of a hundred and the guilty becomes liable to punishment." He[4] mentions the penalty: "In the case of the ordeal of poison, water, fire, balance, *kos'a,* and rice, as also in the ordeal of the heated *mâsha*, the penalty should be determined respectively as follows :—*viz.* one thousand, six hundred, and five hundred, four, three, two, and one hundred, respectively; the lesser form to be selected in the case of pettier offences." By reason of the text[5]—"When upon a denial, a claim is proved, he should pay (the amount)" &c. in which a penalty has been mentioned, this penalty under the (law of) ordeals comes to be an addition (to it).

Thus ends the chapter on *Ordeals.*

Viramitrodaya.

Now in the case of petty accusations, the four ordeals such as the Rice and the rest, not particularly stated by the Author of the Work, are being stated. Thus **Pitâmaha** (same as on p. 971 lines 34–35 and p. 972 ll. 1–13 lines above). Here, moreover, the invocation

1. Ch. VIII. 115.
2. Yaj II 113 See p. 969 above.
3. Verse, 459.
4. Kâtyâna, Verses 460, 461.
5. Yaj. II. 11. see above p. 686. ll. 33–34.

of the Dharma and the other procedure should be understood to be for the three (ordeals) which will be stated hereafter. Moreover, "A pot made either of gold, or of silver, or of copper, or even of earth, with a depth of four angulas and measuring sixteen angulas and of a circular shape, he should fill with clarified butter and oil weighing twenty *palas*, and after it is boiled to a heat, a gold *mâsha*, should be thrown into it. He should take out the heated *mâsha* by joining the thumb and a finger. He who does not shake the forefront of his hand or on whom no eruption has been produced, is deemed under the law to be innocent, since his hand and the fingers were unaffected." *Maṇḍalam, i.e.* a circle; *uddharet*, 'take out', *i.e.* take outside (the pot).

Bṛhaspati[1]: "Iron twelve *palas* in weight formed into shape is called a plough-share; it should be eight *angulas* in length and four angulas in breadth. That (plough share) having been made red-hot in fire, the thief should lick it once with his tongue. If he remains unscorched, he obtains an acquittal; otherwise, however, he loses his cause."

Pitâmaha describes the ordeal of Dharma (see above p. 973 ll. 27–33 and p. 974 ll. 1-22).

Now the **Oaths.** There **Manu**[2]: "A Judge should swear a Brâhmaṇa by the truth; a Kshatriya by his vehicle and weapons; a Vaiśya by the kine, seeds and gold; while a Śûdra with all the sins; or these should be made to touch the heads of their sons and wives."

"Should this have been committed by me, then the sin generated by the transgression of truth should be mine", thus a Brâhmaṇa should be made to say. "Should this harm have been done by me then my conveyances and arms may become unfruitful', thus should a Kshatriya be made to declare; and so on further.

Halâyudha states the meaning of this text in substance to be thus: "This is true,' thus a Brâhmaṇa should be made to affiirm; a Kshatriya should be made to touch the conveyance and weapons; a Vais'ya should be made to touch the cow &c. and the sin which is generated by false oaths, with that he should enjoin a S'udra falsifying an oath. All should be made to do as stated before".

Bṛhaspati[3]: "Truth, a vehicle, weapons, cows, seed, and gold; the feet of the Gods or of the Brâhmaṇas, the heads of sons or wives; these

1. Ch. X. 28, 29. 2. Ch. VIII. 114, 115. 3. Ch. X, 6, 7.

are stated to be for oaths by Manu in small matters". Here, as an oath is distinct from an ordeal, there is no fasting &c., but only bathing and sipping water.

S'ankha: "The staking of the merit generated by pious[1] and charitable deeds &c., and should also cause other oaths to be taken."

Manu[2]: "One falsifying an oath perishes here and after death. In connection with amorous women, in regard to marriages, in the feeding of cows, as also regarding fuel, and for protecting a Bráhmaṇa, by taking a false oath, there is no sin". 'In connection with amorous women' *i. e.* in private, for keeping the woman pleased. 'In marriage' *i. e.* by women for the husband. For the feeding of the Cows, fuel, for the performance of the daily oblation; also for the saving of the life of a Brâhmaṇa, a cow &c., even by a false oath, no sin is incurred. This is the meaning.

Here in the Commentary on **Srimat Yâjñavalkya** ends the Chapter on **Ordeals**

S'ûlapâṇi.

In the course of the discussion are mentioned the **Rice**, &c. Here **Pitâmaha**: " In the case of theft the rice should be administered, and not elsewhere; this is certain. Pure rice should be caused to be prepared from paddy grains and not of any other. In an earthen pot one should place it in front of Âditya, after having purified oneself. These should be mixed with the bath water; at night he should be made to stay there. In the early dawn, it should be given to the performer, with his face towards the Sun. After chewing the rice he should be made to emit on a leaf three times. He whose blood appears to ooze, or the tooth-row is affected with pain; one whose limb gets a shake, such a one the Judge should declare as not innocent."

Now the ordeal of the **Heated Mâṣha.**

One should cause to be made an iron vessel, or one of copper of sixteen *angulas*, and of four *angulas* (in depth) or of earth either, of a circular shape; and should fill it with clarified butter and oil of the quantity of twenty palas; when it is well boiled, one should throw a gold

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1. इष्टापूर्त—Pious and charitable deeds such as performing sacrifices, digging tanks, etc. see p. 806. n. 2 above.

2. Ch. VIII. 112, 113

mâṣha in it. He should take out the heated *mâṣha* with the fore-finger and another finger joined together. Where neither the forepart of the hand is burnt, nor a boil appears, such a one is regarded as innocent according to law, as is the text of **Pitāmaha.** *Maṇḍala,* ' a circle '.

Now the ordeal of the **Plough share—Phâla** (same as in the Viramitrodaya at p. 976, above).

Now the ordeal about **Dharmaja**—Result of Dharma.

There **Bṛhaspati**[1] : "On the leaves should be painted (the images of) Dharma and Adharama in black and white colour, (respectively). Then they should be invoked with the *Mantras* inducing vitality and others, as also with the Gāyatri and Sāmas. Thereafter one should offer worship with sandal paste, and flowers, also white and dark. Having sprinkled with the five bovine products, and enclosed in balls made of earth, having made (them) equal in size, these should be placed unobserved in a new jar. Thereafter the performer of the ordeal should take one ball out of the vessel when asked (by the Judge). If Dharma is taken, he is acquitted ; otherwise he is declared guilty".

Thus ends the ordeal of **Dharmaja.**

Now the **Oaths** : **Nârada**[2] : "Truth, the conveyances and weapons, cows, seeds and gold, the feet of the Deities and of the Bráḥmaṇas ; and meritorious acts as may have been performed. These have been stated as (the objects for) oaths by Manu in small matters".

Also **Manu**[3] : "By the truth should a Brāḥmaṇa be affirmed ; a Kṣhatriya, by the conveyances and weapons ; with the cows, seeds, and gold, a Vais'ya ; while a Śudra with (the imprecation of) all the sins". (113)

Thus ends the Chapter on Ordeals.

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1. Ch. X. 30-34.
2. This is not found in Nārada. But see Bṛhaspati X. 67.
3. Ch. VIII. 173.

THE

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BALAMBHATTI.

(*Sanskrit Text.*)

BEING A COMMENTARY BY

Bâlambhatta Pâyagunde

ON

The Mitâksharâ of S'ri Vijñânes'warâ

on the Yâjñavalkya-Smriti.

BOOK III.

Prâyaschittâdhyâya

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धर्मशास्त्रग्रन्थमाला (ग्रन्थाङ्कः ८)

॥ श्रीः ॥

श्रीमद्योगीश्वरयाज्ञवल्क्यस्मृतेः

श्रीविज्ञानेश्वरप्रणीतमिताक्षराव्याख्यायाः

श्रीबालंभट्ट पायगुण्डे इत्येतैः प्रणीता व्याख्या

बालंभट्टी

(प्रायश्चित्ताध्यायः ३)

सा च

जगन्नाथ रघुनाथ घारपुरे, बी. ए. एलएल्. बी.,
हायकोर्ट वकील, विश्वविद्यालयसदस्यः,

पुण्यपत्तनस्थलाकालेजे मुख्याध्यापकः

इत्यनेन संशोधिता प्रकाशिता च

प्रथमावृत्तिः

शकाब्दाः १८४६ : क्रिस्ताब्दाः १९२४.

पुण्यपत्तने ‘ **आर्यभूषण** ’ मुद्रणालये ‘ अनंत विनायक पटवर्धन ’ इत्यनेन मुद्रिता,
मोहमय्यां ‘ जगन्नाथ रघुनाथ घारपुरे, हायकोर्ट–वकील ’ इत्यनेन प्रकाशिता च.

प्रस्ताव:

धर्मशास्त्रग्रन्थमालायामष्टमोऽयं ग्रन्थोऽधुना विद्वत्सकाशं प्रकाश्यते। यद्यपि संकल्पितश्रेणिगणनयाऽयं अष्टमस्तथापि मुद्रितकालानुसारतः षोडश इति स्फुटमेव.

योगीन्द्रयाज्ञवल्क्यस्मृतिटीकासु भट्टविज्ञानेश्वरभिक्षुकृता मिताक्षरा टीका धर्मशास्त्रविचारेऽतीव प्रमाणीभूता. मिताक्षराया विश्वेश्वरी–सुबोधिनी–प्रमिताक्षरादिटीकासु बालंभट्टपायगुंडे इत्येतैर्विरचिता **बालंभट्टीति** लोके प्रसिद्धा टीकाऽतीव मानार्हा. तस्या अयं तृतीयो भागः प्रायश्चित्ताध्यायो विद्वज्जनसमीपमधुनाऽऽनीयते. लिखितपुस्तकानां दौर्लभ्यादेतस्मिन्पुस्तके लेखकप्रमादादिना लिखितपुस्तकस्थितान्यतीव प्रमादस्थलानि सन्ति। तानि तु पुस्तकानामभावे सुतरां दुर्निवार्याणि। पुस्तकान्तरप्राप्तावयशस्वितया 'अमुद्रणान्मुद्रणं वरमिति' न्यायेन सप्रमादोऽप्ययं ग्रंथः प्रकाश्यते एव। कदाचिद्दैववशात्पुस्तकं पुस्तकानि वा प्राप्येत तदा प्रमादसंशोधनाय सूचीपत्रे यथाकालं प्रकाशयिष्यते बालंभट्टस्य वंशविस्तारादि अस्यामेव मालायां बालंभट्टी आचाराध्याय इति पंचमे ग्रन्थे बाबूगोविन्ददासैरांग्लभाषायां लिखितप्रस्तावे मार्गणीयः। विस्तारस्त्वस्माभिरुद्दिष्टधर्मशास्त्राभ्यासप्रवेशिकायां करिष्यते एति शम्।

जगन्नाथ रघुनाथ घारपुरे.

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* An Introduction to the Study of Hindu Law.

विषयानुक्रमणिका.

विषयानुक्रमणिका.

विषयः	पृष्ठम्.

आपद्धर्मप्रकरणम् (२)

वानप्रस्थधर्मप्रकरणम् (३)

यतिधर्मप्रकरणम् (४)

अथ बालंभट्टी टीका ।

(मिताक्षराव्याख्या)

प्रायश्चित्ताध्यायः

अथाशौचप्रकरणम् १

श्रीगणेशाय नमः ॥ पूर्वसंगतिमाह । **गृहस्थेति** । **विशेषस्य** राज्ञः । **गुणधर्माः** प्रजापरिपालनादयः । **चेन** नित्यनैमित्तिकसमुच्चयः । **तदधिकारेति** तेषु

मि. पृ. १६१

धर्मेष्वधिकारेत्यर्थः । **मुखेन** द्वारेण । **तेषां** नित्यनैमित्तिकानां । न तु गुणधर्माणाम् । अत एव गृहस्थाश्रमिणामिति आदावुक्तम् । ततो विशेषजिज्ञासायाः पूर्वं सत्त्वान्मध्ये तन्निरूपणमपि कृतम् । एवं चाद्याध्यायप्रतिपाद्येनास्यापवादिकी संगतिरिति भावः । तत्रादावाशौचपदार्थजिज्ञासैवेत्यत आह । **आशौचेति** । **चत्स्वर्थे** । **आदिना** उपवीतपरिवर्त्तनादि । तत्सत्त्वे मानमाह । **पिण्डोदकेति** । **आदिना** सकलशौचविधर्मपरिग्रहः । विध्यन्यथानुपपत्तिवन्निषेधान्यथानुपपत्तिरपि मानमविशेषादित्याह । **अध्ययनेति** । **आदिनाध्यापनादि** । **पर्युदासो** निषेधः **पुरुषगतः** । तस्यारूपत्वादाह । **कश्चनेति** । अत एवाऽऽह । **अतिशय इति** । अतिक्रम्य शेते तिष्ठतीति व्युत्पत्त्यै तत्पदवाच्यो धर्मविशेष इत्यर्थः । मतान्तरं खण्डयति **न पुनरिति** । न त्वित्यर्थः । **कर्मेति** नित्यनैमित्तिकादीत्यर्थः । **मात्रपदेनोक्तव्यवच्छेदः** । अत्र हेतुमाह । **अशुद्धा इति** ।

"दंतजातेऽनुजाते च कृतच्चूडे च संस्थिते । अशुद्धा बान्धवाः सर्वे सूतके च तथोच्यते" ॥ इति **मनुः** (५।५८)। अनुजातोऽजातदंतः । ननु किमेतावताऽत आह । **अशुद्धेति** । **व्यवहारे** तद्विषये । **अनाहितेति** । अनाहिताग्न्यदीक्षितादावित्यर्थः । **अनधिकारमात्रेणेति** तत्तत्कर्मण्यधिकारमात्रेणेत्यर्थः । मात्रे इति पाठे सति सप्तमी । ननु तावताऽपि किमत आह । **वृद्धेति** । तेन या व्युत्पत्तिः । शक्तिग्रहस्तन्निमित्तकत्वादित्यर्थः । **शब्देति** शब्दादर्थावगतेरित्यर्थः ।

नन्वेवमपि पारिभाषिक एव सोऽर्थोऽस्त्वित्यत आह । **किं चेति** । इष्टापत्तावाह । **तत्रेति** । तस्मिन्सतीत्यर्थः । अन्यायश्चानेकार्थत्वमित्यन्यत्रोक्तेरिति भावः । किं च शुद्धशब्दवत्तस्यापि प्रवृत्तिनिमित्तं भिन्नमेवेति स्फुटमेवेत्यपि बोध्यम् ।

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१ ख-स्ति ।

याज्ञवल्कीये १।२ श्लोकौ ।

अथ मूलमवतारयति । **तत्रेति** । प्रतिपादनीयाशौचविषये इत्यर्थः । **आद्येन** सोदकादिपरिग्रहः । **तावत्** आदौ । **ऊनेति** बहुव्रीहिरित्याह । **ऊनेति** । अर्थान्मानवाच्चाह । **प्रेतमिति** । तस्य निखननं बाधितमत आह । **भूमाविति** । **अवटो** गर्त्तः । तथा च तत एव **मन्वनुरोधेन** धातोर्निखननोपसर्जनकनिधाने लक्षणेति भावः । वक्ष्यमाणवैलक्ष्यण्यस्य जलप्रवाहोऽपि सत्त्वात्तत्संग्रहाय तस्यापि तात्पर्यार्थमाह । न **पुनर्दहेदित्यर्थ इति** ।

द्वितीयपादार्थमाह । न **चेतीति** । **विहितेति** । प्रेतोद्देशेनापीत्यर्थः । वक्ष्यमाणमूलमेवाह । **सकृदिति** । उदकपदमुपलक्षणमित्याह । **उदकदानादीति** । तस्यापि तात्पर्यार्थमाह**ौर्ध्वेति** । विशेषमाह । **अयं चेति** । उक्तप्रेतश्चेत्यर्थः । **अनुलेपनं** सुगन्धिचूर्णादि । **आदिना** पुष्पधूपादि । **निचयः** समूहः । **ऊनद्विवार्षिकमिति** द्वे वर्षे भूत इति तद्धितार्थद्विगौ कालादित्यधिकारस्थेन "तमधीष्ट" (५।१।८०) इति प्रकरणे "वर्षाल्लुक्च" इति (५।१।८८) भूते ठञ् । वर्षस्याभविष्यतीत्युत्तरपदवृद्धिर्लुगभावपक्षे इह चित्तवतिर्नित्यामिति लुक् तु न प्रेतत्वात् । तत ऊनशब्देन कर्मधारयः । तच्च परंपरया विशेषणमिति भावः । अत्र शेषपूरणमपेक्षितं सर्वत्रोक्तमेव । यद्यप्यूनद्विवर्षः श्रुतस्तथाऽप्यलङ्कारे विधिः कृतोपनयनादिवद्विज्ञेयः । तदुक्तम् । **गंधेति** । **आदिना** प्रेतालङ्कारग्रहणम् । "शुचौ भूमौ" इत्यस्य व्याख्या **श्मशानेति** प्रागुक्तैव । तत्रापि विशेषमाह । **अस्थीति** । अस्थ्नां संचयनं यत्र प्रदेशे तं वर्ज्जयित्वेत्यर्थः । तस्यास्थिसंचयो न कार्य इति तु नार्थः । अग्निसंस्काराभावादेव तदप्राप्तेः । तदेतदभिप्रेत्यैवोक्तं । **अस्थीति** । मूलैकवाक्यतयाऽत्रापि 'निदध्युरि'त्यस्य निखातायां भूमौ स्थापयेयुरित्यर्थः ।

ननु एवं सति अरण्ये इत्यस्यासंगतिरत आह । **अरण्ये काष्ठेति** । **तद्विषये** कर्मणि बहुव्रीहिः । एवमग्रेऽपि । आचारादिप्राप्तत्वमभावविशेषणम् । **आदिना** स्मृत्यन्तरपरिग्रहः । श्राद्धाद्यभाव इति । **आदिना** तर्पणपरिग्रहः । यद्यप्युदकक्रियानिषेधेन श्राद्धनिषेधः सिद्धः तयोरंगांगिभावात् तथाऽपि तथाप्राप्तस्तन्निषेधो लिङ्गेनापि बोध्यते तदाह । **अनेनेति** । **क्षिपेयुरित्यस्यातिक्रामेयुरित्यर्थः** । **एवेन** अधिकव्यवच्छेदः । 'क्षपेतेति' पाठान्तरं तत्र उदास्येत । शास्त्रचोदितव्यापारं न कुर्यादित्यर्थः । मातापितृविषयमिदम् । केचित्तु स्मृत्यन्तरदृष्टनिखननप्रतिषेधार्थमिदं । तथा च विकल्प इत्याहुः

विशेषान्तरमाह **स चेति** । उक्तप्रेतश्चेत्यर्थः । तथा च **यम**गाथादिजपो दाहे निखनने च तुल्यः । अत्र घृताक्ते तेनैवाभ्यंजनं दाहे तु विशेषो वक्ष्यते

मि. पृ. १६२ तत इत्यादि व्याचष्टे । **तत इति** । अस्येतर इत्यत्रान्वय इति भावः ।

पूर्णद्विवर्षः तदादिः । आङत्र मर्यादायामित्याह । **पर्यन्तामिति** । "अन्वञ्चोऽमात्या अधोनिवीताः प्रवृत्तशिखा ज्येष्ठप्रथमाः कनिष्ठजघन्याः" **इत्याश्वलायनः** (४।२।९) । गच्छेयुरिति शेषः । अधःकृतं निवीतमुपरि वस्त्रमुपवीतं वा यैस्ते । प्रवृत्तशिखा मुक्तशिखाः । यो यो ज्येष्ठः स पुरतो गच्छेद्यो यः कनिष्ठः स पश्चादिति क्रमसिद्ध्यर्थमुभयवचनम् ।

अन्यथा सर्वज्येष्ठमात्रप्राथम्यं स्यादित्यर्थः । तदनुरोधेनाह **ज्येष्ठेति । अनुव्रज्येति** आर्षोक्तिन्यूनतां निराचष्टे **अस्मादेवेति** । अत्र तद्विधानादेवेत्यर्थः ।

द्वितीयपद्यं व्याचष्टे । **अनुगम्य चेति** । गाथा अपि प्रत्यासत्तेरुक्त**यमा**च्च तस्मै वेत्याह **यमेति** । ब्रह्मभिन्नस्य सर्वस्य लौकिकत्वादाह । **असंस्कृतेनेति** । सः मृतः ।

विशेषमविरोधायाह । **यदीति** । जाते पुत्रे तत्संबन्ध्यग्निसाध्यकार्यार्थं स्वशाखोक्तविधिनोपादीयमानारणिः जातारणिः । तेन अग्निना तस्य मथिताग्नेः अरणेर्वा । "निर्मथ्यदारुणि-त्वरणिर्द्वयोः" **इत्यमरः** (२।७।१९) । **मात्रं** कात्स्न्र्ये । तदर्थमेवेति भावः । अत्रापि

"घृतं तैलसमायुक्तं कृत्वा वै देहशोधनं । तेनाभ्युक्ष्य गुरुं ज्ञाप्य नयेत पैतृकं वनम् ॥"

इति **वाराहोक्त**मभ्यंजनं बोध्यम् ।

लौकिकाग्नौ विशेषमाह । **लौकिकाग्निश्चेति । अमेध्याग्नि**र्विष्टाग्निः । **सूतिकाग्नि**स्तत्संबंध्यग्निं । एवं सर्वत्र । एते कदाचिदपि न शिष्टग्रहणयोग्या इत्यर्थः ।

तू**ष्णीं** अमन्त्रकं विशेषविहित**यम**सूक्तादिजपवर्जम् । इदमपि दाहपक्षे । निखननपक्षे त्वौर्ध्वदेहिकमेव न । उक्तमूलवाक्यात् । यद्यपि तत्रोदकमित्येवोक्तं तथापि आद्यत्वाच्च तद्ग्रहणं सर्वप्रेतक्रियोपलक्षणतयाऽऽ**चार्येण** व्याख्यातं शिष्टसमाचाररीत्या उक्त**मनु**वाक्यादितश्चेति भावः । **एव**स्तद्व्यवच्छेदे । एवमग्रेऽपि । स च व्युत्क्रमेण बोध्यः । केषामित्याकाङ्क्षायामाह । **सर्वेषामिति । भू**तार्थकनिष्ठालब्धमाह । **चौलकर्मोत्तरेति** । अन्यत्रापीत्यस्य व्याख्या **नामेति** । ततः पूर्वं तत्रैवेति भावः । **अपिना** क्रियमाणचौलपरिग्रहः । न स्वेच्छामात्रमिच्छेत्याह । **प्रेतेति** । तूष्णीमित्यस्यानुषङ्गादाह । **तूष्णीति** । इच्छयेत्यस्य व्यावर्त्यमाह । **नियमेनेति** । तत्फलितमाह । **इति विकल्प इति** । तत्रेति भावः । **अत्र** उक्तक्रियेये । **विशेषः** पूर्वोक्तोऽन्यश्चेत्यर्थः । **नात्रीति** । अत्र त्रिवर्षन्यूनस्य निषेधो न चतुर्वर्षादेः । अत एव नात्रिवार्षादेरिति पाठन्तरैकवाक्यता भवति । पक्षान्तरमाह **जातेति** । संख्यापूर्वत्वाभावादत्रादेशो न ।

यद्यप्ययं पक्षो वित्तक्षयकरः प्रयाससाध्यश्चेत्यत्राप्रवृत्तिरेव सर्वेषामिति नायं वाच्यस्तथापि नैमित्तिकस्यावश्यकर्तव्यतया प्राप्तो निषेधेन तदभावे बोधितेऽकरणे विध्यतिक्रमाभावेऽपि प्रेतोपकारेच्छायां कार्यस्तेन तदुपकारसंपत्तेरिति न विधिनिषेधयोरसामञ्जस्यम् ।

प्राग्वदाह । **उदकेति** । विरोधमनयोर्व्यवस्थया परिहरति । **नात्रीति** । तन्न्यूननिषेधादित्यर्थः । **वर्षत्रयादूर्ध्वं** वर्षत्रयमारभ्य उत्कर्षस्तस्याः प्रवृत्ततृतीयवर्षतः । स च द्वेधा अग्रेकरणेन प्राक्करणेन च ।

तत्राद्ये उक्त्वा द्वितीये आह । **लौगाक्षीति । वर्षत्रयात्** तृतीयवर्षात् । तथा पाठस्तु युक्तः । एवं **अपि**स्तत्समुच्चायकः । **तयोः** अग्न्युदकदानयोः । ऊनद्विवर्षमिति मूलेन सामान्यप्राप्तदाहापवादत्वेन तस्य तस्मिन्विहिते पूर्णद्विवर्षादारभ्य दाहप्राप्तौ तृतीयेऽपि **मनुना** तन्निषेधद्वारा निखनने विहिते तदूर्ध्वमकृतचूडस्यापि सामान्यप्राप्तौ दाह एव **लौगाक्षितो**ऽपि सर्वेषामित्युक्त्या ऊनद्विवर्षस्यापि कृतचूडस्य निखननबाधेन दाह एव भवति इति भावः ।

यत्तु प्राच्यैरत्रिवर्षस्येत्यस्याप्रविष्टतृतीयवर्षस्येत्यर्थेनोनद्विवर्षविषयतैवोक्ता तन्न । त्रिवर्षपदात्पूर्णत्रिवर्षस्यैव प्रतीतेरनुशासनादिसिद्धत्वात्। तावताऽपि पूर्णद्विवर्षलाभेऽपि तस्यालाभाच्च । न च "नास्य कार्यं" इति प्रागुक्तमनोरूनद्विवर्षस्य दाहानर्थक्यमिति वाच्यम् । ऊनद्विवर्षस्य तद्भिन्नस्य च सत्यपि पक्षद्वये आद्यस्य निखननपक्षो मुख्यः तदन्यस्य च दाहपक्ष इति मुख्यानुकल्पवैषम्यद्योतनार्थत्वात्तुल्यवद्विकल्पे क्लेशाधिक्येनाद्यस्यापि दाहस्यैव मुख्यत्वे सर्वस्मृतिषु निखननविधौ कृतद्विवर्षग्रहणवैयर्थ्यापत्तेः । **ब्राह्मेऽपि** स्पष्टमेवाद्यस्य तस्यानुकल्पत्वमुक्तम्

"अनतीतद्विवर्षस्तु प्रेतो यत्रापि दह्यते । अतिमोहाभिभूतैस्तु देशसाधर्म्यमार्दवात् ॥

"आशौच ब्राह्मणानां तु त्रिरात्रं तत्र विद्यते" ॥ इति

अत एव चात्र **मानवे**ऽपि (५।७२) जातदन्तेत्यादिप्रतिप्रसवविधिद्वयं जातदंतस्य दाहोऽनुकल्पः कृतनाम्नस्त्वत्यन्तानुकल्प इति द्योतकतया सार्थकम् । अन्यथा जातेत्याद्यस्यानर्थक्यात् । यत्तु स्त्रीपुरुषविषयत्वं तद्द्वयस्येति तन्न । मानाभावात्पुंस्त्वाविरोधाच्च । तस्मान्निखननविधौ दाहादिनिषेधे चोनद्विवर्षग्रहणस्य नात्रीति मानवोक्तान्तरार्थत्वात्पूर्णद्विवर्षस्यापि तृतीयवर्षसमाप्तिपर्यन्तं निखननपक्षोऽप्येवेति दिक् ।

उपेतश्चेदित्यादि व्याचष्टे । **उपेत इति** । धातूनामनेकार्थत्वात् । शूद्रस्तु वस्त्रद्वयग्रहणयोग्यकालिक उपनीतसदृशः । तच्च द्वादशादिषोडशवर्षमध्ये । आवृत्पदार्थमाह । **दाहेति** । अनतिप्रसङ्गायाह । **स्वस्वेति** । शेषानुक्तेः प्रत्यासत्तेश्चाह । **लौकिकेति** । **एवेन** संस्कृताग्निनिरासः । इदमपि जातारण्यभावे । **अर्थ**शब्दो नाभिधेयादिपरः । क्रियाविशेषणं चैतादित्याह । **प्रयोजनेति** । नासंबद्धमिदं किं तु तत्प्रक्रियाश्रयणेन प्राप्तातिप्रसंगवारकमित्याह । **अयमर्थ इति** । यस्य पदार्थस्य दाहे साध्ये द्वारमुपायभूतं कार्यरूपं अवश्यकर्तव्यरूपं क्लृप्तमित्यनेनादृष्टानिरासः । **भूमिजोषणप्रोक्षणादीति** । भूमिजोषणं खननादिना तच्छोधनम् । **आदिना** दक्षिणप्रवणतालुप्तातिलुप्तदृष्टप्रयोजनमित्यर्थः । **प्रयोजन**मासादनं लौकिकाग्निनैव । तदेवं द्रढयन्नेतस्य फलान्तरमपि सविशेषमाह । **तथेति** । उपनीतेति पूर्वान्वापि । अत एवाऽऽह **अनाहीति**। **अपहृतेति** । लुप्तदृष्टेत्यर्थः । **अपिना** गार्हपत्यादि । **अपिना** गृह्याग्निः । **इति** अर्थसमाप्तौ । तथा च लुप्तप्राकृतप्रयोजनं प्रत्याम्नातमपि न कार्यमिति भावः ।

ननु द्वितीयाग्निविधिर्न मूले उक्तः । अत आह । **अग्न्यन्तरेति** । लौकिकाग्निभिन्नस्वस्वगृह्याद्युक्तेत्यर्थः । **चेन** तस्यापि संग्रहः । **आहीति** भूतकालिकाधानसंस्कारविशिष्टाग्निमानित्यर्थः । **चेन** तस्यापि सङ्ग्रहः इत्यर्थः । नमःसादृश्यार्थकत्वात् । **त्रिभिः** श्रौतैः । **अनेति** । औपासनाग्निमान् । **एकेन** गृह्याग्निना । **अपरः** तदुभयभिन्नः । अत्रेदं बोध्यम् । आहिताग्निवत् उत्सृष्टाग्नेर्विच्छिन्नाग्नेर्विधुराग्नेश्चापि त्रेताग्निभिरवदाहः ।

"योऽनाहिताग्निरुत्सृष्टाग्निर्विच्छिन्नाग्निर्विधुराग्निर्वा प्रमीयेत न तमन्येन त्रेताग्निभ्यो दहन्तीति विज्ञायतेति । तयोर्यः पूर्वं क्षीयेत यजमानः पत्नी वा तस्याग्निस्त्रेतायां पितृमेधः संपद्यते । यः पश्चात्तस्योपासने सहैव प्रेते सहैव पितृमेध" इति **भारद्वाज**सूत्रात्तथा च विच्छिन्नाग्न्यादे**र्भारद्वाज**सूत्रोक्तरीत्या अग्न्युत्पत्तिं कृत्वा दाहः कार्यः । आहिताग्निपदेन तु न विच्छिन्नाग्न्यादे-

ग्रहणम् । अशब्दार्थत्वात् । अत एव **भारद्वाजसूत्रे** चतुर्णां भेदेनोपादानं कृतम् । अनन्तरं " यजमान एवाग्नय: " इति **श्रुत्या** यजमानस्य अग्निरूपत्वेन स्तुतिः क्रियते इति न[1] सावि अधिकाराभावेन तत्सत्त्वेऽपि आलस्यादिना वाऽग्नेरभाववानिति यावत् । इदमपि जातारण्यभावे । तत्सत्त्वे तु स एव कृताधानश्चेत् विशेषमाह ।

न चेति । नापीत्यर्थः । **आदिना** तदुपयोगिघृततिलकुशपिष्टादिसंग्रहः । एवं **वचनेति** । **यस्येति** तादर्थ्यस्य शेषत्वविवक्षायां षष्ठी । यदर्थमानयतीति **च्छन्दः** । **हिर्निश्चये** । **स च** आहर्त्ता[2] शूद्रश्च । तथा च प्रेतत्वनिवृत्त्यर्थं कर्ममात्रं तेन कृतमपि शास्त्रीयं नेति प्रेतत्व-निवर्तकं नेति तस्य तन्निवृत्त्यर्थं पुनर्यथासंभवमस्थिपर्णशरदाहपूर्वकं सर्वं कर्तव्यमिति भावः ।

अन्यदप्याह । **तथेति** । न स्नपते पठयममेवाह । **प्रेतमिति** । **गन्धैः** । भूषितमिति शेषः । यथासंभवमेषां क्रमो बोध्यः । पुत्राद्यैः कार्यमिति शेषः । **तथा** चार्थे । तत इति पाठान्तरम् । किञ्चिदर्थमाह । **शवेति** । **ब्राह्मेऽपि**

"दरिद्रोऽपि न दग्धव्यो नग्नः कस्यांचिदापदि । केनापि वस्त्रखण्डेन छादितव्यः प्रयत्नतः ॥

"यत्र तत्र भवेद्दुःखी यदि नग्नस्तु दह्यते । निःशेषस्तु न दग्धव्यः शेषं किञ्चित्त्यजेत्ततः"॥ इति ।

ततः शवच्छादवस्त्रात् । **स्वेषु** समानजातीयेषु । **नाययेन्**विर्हारयेत् । **हारयेदिति** पाठा-न्तरम् । **हि** यतः । शूद्रसंस्पर्शदूषिता सा आहूतिरस्वर्ग्या स्यादित्यर्थः । **आहुतिरिति** प्रचुरसर्व-संमतपाठे तु दाहयेदिति तदर्थं इति **मेधातिथिः** । तथापाठेऽपि तथाहरणपूर्विका स्वकर्तृका आहुतिर्दाहरूपाऽप्यस्वर्ग्येण न तस्य तथैवार्थं इति **आचार्याशयः** । अस्वर्ग्यत्वमुपलक्षणमित्याह **आदीति** । विप्रग्रहणं च द्विजोपलक्षणम् । तथा च **विष्णुः** । "**मृतद्विजं न शूद्रेण हारयेन्न शूद्रं द्विजे** " न इति (१९।१-२)

तथा च क्षत्रियवैश्ययोरपि शूद्रस्पर्शदोष एवेति बोध्यम् ।

"स्थापयन्त्यनसि प्रेतमेकाग्निं चटकादिषु । शिबिकायां विमाने वा **प्रचेतो**वचनादिति॥" इति ।

शिबिकादिनाऽपि वहनविधानात्तस्य च साक्षात्स्पर्शं विनापि संभवात्साक्षात्परंपरा-साधारण्येन तस्य दोषत्वं । स्पर्शस्य प्रायश्चित्तं चात्र शूद्रसंस्पर्शेति अस्पृश्यस्पर्शवदस्यैव हेतुत्वोक्त्या तदपनयनमेव । तच्च सूतिकायां मृतायां त्वित्यादिना सूतिकामरणोक्त-प्रकारेणैवाप्येकमन्यतोऽवगन्तव्यं । **मनुरे**वाऽऽह । **दक्षिणेनेति** (५।९२) । अत्र यथा[3] योगमित्यनेनोक्तस्य क्रमस्यानुलोमप्रतिलोमविशेषापेक्षायामुपस्थितिक्रमनिबन्धनस्यानुलोमक्रमस्यै-वौत्सर्गिकत्वात्पूर्वार्द्धोपस्थितशूद्रेण चाव्यवधानाद्वैश्यस्यैव वर्णावधित्वसादृश्याद्धुत्तरावधिभूतेन पूर्वावधिभूतब्राह्मणस्यापि प्रथमोपास्थितिसंभवेन शूद्रोपक्रमस्य प्रतिलोमक्रमानियामकत्वाद्वा-द्व्याह्मणादिक्रमेणैव पश्चिमाद्यन्वय इति केचित् । **मेधातिथिमदनपारिजातादयस्तु** यथायोगमिति वैश्यादिप्रतिलोमक्रमेण शूद्रोपक्रमेणाव्यवधानाद्वैश्यस्यैव प्रथमोपास्थितत्वादत एव स्वाशयप्रकाशनार्थमादौ शूद्र एवोपात्तो वचनेऽन्यथा शूद्रोपक्रमोक्तेर्निरभिप्रायत्वापत्तेरमङ्गलत्वेन तदभिधानेऽत्रापि प्रातिलोम्यस्यैव युक्तत्वात् तथा च वैश्यादिक्रमेण पश्चिमाद्यन्वय इत्याहुः ।

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१ एवं मूले । तस्यापि ?। २ एवं मूले ३ यथा सांख्यमिति मिताक्षरापाठः ।

देवदासप्रकाशे तु "प्रागुदक्पश्चिमद्वारैः" इति पाठ उक्तस्तदप्रतिलोमान्वयेऽपि न दोषः । **अत्राचार्य**स्तूदासीनो विशेषानुक्तेर्यद्यपि तथापि तदभिमतं **मेधातिथ्या**द्युक्तमेव । युक्तं चैतत् । अत एव शूद्रोपक्रमः । अन्यथा तदसङ्गतिरेव । तस्यामङ्गलत्वेऽपि शूद्रस्यामङ्गलत्वाभावात् । अथामङ्गलत्वं तदादावुत्कृष्टेन वाच्यमित्याशयस्तर्ह्यग्रेऽपि स केन दण्डेन वारितः । किं चामङ्गलस्य तस्य सर्वस्यापीश्वरेणापि दुरतिक्रमत्वेन वचने तत्त्वेन कथं तत्रैव व्यवस्था । किं च तथासति पूर्वार्द्धोत्तरार्धयोर्व्यत्यासेनैव पाठः कृतः स्यात् ।

किं च केचिन्मते यथायोगमिति यथासंख्यामिति वा व्यर्थमेव स्यात् । शूद्रोपक्रमस्य तन्मतेऽप्युक्ताशयत्वेनाग्निद्विजातिपदस्य तथाक्रमेणैव तेषु शक्त्या तुल्यसंख्यत्वेन लोकादिप्रसिद्ध्यथासंख्येनैवान्वयसंभवादत एव कर्ममात्रे पूर्वदिशः प्राशस्त्यमदृष्टजनकत्वं च संग्रहीतं भवति। एतेन तृतीयमतमपि निरस्तम् । एवं च तदनुयायि**त्रिंशच्छ्लोक्या**दयश्चिंत्या एवेति परे । अत्र पुरग्रहणं संभवत्द्वारग्रामादेरप्युपलक्षणम् । तथा च यत्रानेकद्वारसंभवस्तत्रायं नियमः । यत्र तु द्वाराभावस्तत्रापि दिङ्मात्रनियमः संभवतस्त्यागायोगात् । यत्र त्वेकद्वारता तत्रासंभवान्न सोऽपि । तत्रैव विशेषान्तरमप्याह । **तथेति** । अत्र मृतादिग्रहणाज्जीवतो नयने न कोऽपि नियम इति बोध्यम् । **यदा त्विति** बहुदूरस्थत्वेनाग्निसांनिध्यासंभवादिति भावः । किंचिद्दूरस्थत्वेन न लभ्यते इति । लाभे तु तदेव दग्धव्यम् । तथा च **ब्राह्मे**

"आहिताग्नौ विदेशस्थे मृते सति कलेवरम् । निधेयं नाग्निभिर्यावत्तदीयैरपि गृह्यते ॥
"तावत्कालं दक्षिणाग्नेः कुशैरास्तीर्य वेदिकाम् । अधोमुखीं च समिधं धारयित्वा पिधानकम् ॥
"परकीयेन वत्सेन दुग्ध्वा तां गां च तद्गृहे । गोक्षीरेणाथ तेनैव जुहुयादग्निहोत्रकम् ॥
"पश्चादग्निसमासेव्य यज्ञभांडानि तान्यपि । उपयच्छेत विप्राय ततो दृषदमेव हि ॥
"मथित्वाऽग्निप्रणयनं कृत्वा तत्कुणपं दहेत् ॥" इति

पर्णशरैरिति । पर्णं पलाशस्तस्य शराः पर्णत्रयवृंतानि तात्त्रितयनिर्मितं प्रतिरूपकमित्यर्थः । इदमुपलक्षणं कुशानामपि । **आदिना आश्वलायना**दिपरिग्रहः[1] । तथा च स्वस्वशाखोक्तमार्गेणेत्यर्थः । **अत्र** अस्थिसंस्कारे पर्णशरसंस्कारे च । **आदिना** द्वादशाहादिपरिग्रहः । **एव**स्तत्तुल्यत्वप्रदर्शकः । अत एवाऽऽह । **आहिताग्निरिति** । श्रौताग्निमानित्यर्थः । यदा कदाचिद्दाहेऽपि

मि. पृ. १६३ दाहदिनादारभ्यैव सर्वेषां सपिंडानामिति भावः । इदमुभयमग्रे व्यक्तीभविष्यति । तदाह **शववदिति** । अनेन दुहित्रादीनामपि तद्दिनप्रभृत्येव स्वस्वाशौचमिति सूचितम् । एवं च पूर्वोक्तमुपलक्षणं बोध्यम् । यद्यपि पूर्वकृतायाः शरीप्रतिकृतेर्लौकिकत्वात्संस्कारत्वाभावस्तथाऽपि संस्कारतुल्यकार्यत्वात्तत्त्वविवक्षया तदपेक्षया प्रतिकृतिदाहस्य पुनःसंस्कारत्वोक्तिरिति केचित् । **पुनः** पश्चात् । अस्थिलाभोत्तरं तन्निश्चयोत्तरं वा । तदन्यतरस्य संस्कारमित्यर्थ इति परे । अनेन **वसिष्ठे**नोक्तस्य तत्परत्वं सूचितम् । अत एवाह । **अनाहिताग्नेस्त्विति** । श्रौताग्निमद्भिन्नस्य स्मार्ताग्निमद्दाहस्त्वित्यर्थः । **ब्राह्ममाह** । **सुपिष्टैरिति** ।

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१ ख-प्रीतिपितेर्लौ ।

"अनाहिताग्नेर्देहेषु दाहो गृह्याग्निना द्विजैः। तदलाभे पलाशानां वृंतैः कार्यः पुमानपि ॥
"शतैस्त्रिभिः षष्ट्यधिकैः शरवृंतैर्विधानतः। वेष्टितव्यस्तथा यत्नात्कृष्णसारस्य चर्मणा ॥
"ऊर्णासूत्रेण बध्वा तु प्रलेप्तव्यो यवैस्तथा" ॥ इत्यादिः। तथा च सुपिष्टैरित्यस्य पूर्वान्वयः।
मंत्रमाह। **असाविति**। **पर्णशरमित्यस्थ्नामुपलक्षणम्**। अत एव **छंदोगपरिशिष्टम्**
"विदेशमरणेऽस्थीनि आहृत्याभ्यज्य सर्पिषा। दाहयेद्बर्हिषाऽऽच्छाद्य पात्राण्यासाद्य पूर्ववत् ॥
"अस्थ्नामलाभे पर्णानि शकलान्युक्त्याऽऽवृता। दाहयेदस्थिसंख्यानि ततः प्रभृति सूतकम्॥"इति।
एवस्य त्रिरात्रस्य व्यवस्था त्वग्रे व्यक्तीभविष्यति। स्पष्टं चेदं **कल्पतरौ**। तथा हि
"अस्थीनि चेन्न लभ्यन्ते प्रोषितस्याग्निहोत्रिणः। पलाशपत्रवृंतानां षष्ट्याधिकशतत्रयम् ॥
"कृष्णाजिने निराकारं कृत्वा वेष्ट्याजिनेन तु। ऊर्णासूत्रेण बध्वैव यवपिष्टैः प्रलेपयेत् ॥
"निर्दिश्य देवदत्तोऽय नाम्नेत्याहाश्वलायनः। अंक्त्वाज्येन दहेत्कृत्वा मृद्दिग्धं स च सार्थतः"॥इति।
यवपिष्टलेपोत्तरं मृदाऽप्यालिप्य दग्धस्थाने नीत्वा दग्धां मृदं संचिनुयादित्यर्थः।
अथास्य वृंतविभागः

"अशीत्यर्द्धं शिरःस्थाने ग्रीवायां दश योजयेत्। उरसि त्रिंशतं दद्याद्विंशतिं जठरे न्यसेत् ॥
"बाहुभ्यां तु शतं दद्याद्द्यादङ्गुलिभिर्दश" ॥ तृतीया सप्तम्यर्थे।
"द्वादशार्थं वृषणयोरष्टार्धं शिश्न एव तु। जानुभ्यां तु शतं दद्यात्रिंशतं जानुजंघयोः ॥
"पादांगुलीषु दशधा एतत्प्रेतस्य लक्षणम्। नालिकेलं शिरःस्थाने तुवं (षं?) दद्याच्च तालुके ॥
"पञ्चरत्नं मुखे दद्याज्जिह्वायां कदलीफल। अन्त्रेषु नालकं दद्याद्वालकं घ्राण एव तु ॥
"वसायां मृत्तिका दद्याद्गोमूत्रेण तु मूत्रकम्। गंधकं धातवो देया हरितालमनःशिला ॥
"पारदं रेतसःस्थाने पुरीषे पित्तलं तथा। मनःशिला तथा गात्रे तिलकल्कं च सान्धिषु ॥
"यवपिष्टं तथा मांस मधुशोणितमेव च। केशेषु च जटाजूटं त्वचायां च मृगत्वचम् ॥
"कर्णयोस्तालपत्रं च स्तनयोश्चैव गुञ्जिका। नासायां शतपत्रं च कमलं नाभिमंडले ॥
"वृंताकं वृषण द्वे द्वे लिंगे स्याद्गृंजनं शुभम्। घृतं नाभ्यां प्रदेयं स्यात्कौपीने च त्रपु स्मृतम् ॥
"मौक्तिकं स्तनयोर्मूर्ध्नि कुंकुमेन विलेपनं। कर्पूरागरुधूपैश्च शुभैर्माल्यैः सुगंधिभिः ॥
"परिधाने पट्टसूत्रं हृदये रुक्मकं तथा। ऋद्धी वृद्धी उभौ द्वौ च चक्षुर्भ्यां च कपर्दिकौ ॥
"सिंदूरनेत्रकोणेषु तांबूलाद्युपहारकैः। सर्वौषधियुतं प्रेतं कृत्वा पूजां यथोदिताम् ॥
"साग्निकेनापि विधिना यज्ञपात्रं न्यसेत्क्रमात्। 'शिरो मे श्रीः पुनंतु मां' 'इमं मे वरुणेति' च ॥
"प्रेतस्य पावनं कृत्वा शालिग्रामशिलाजलैः। विष्णुमुद्दिश्य दातव्या सुशीला गौः पयस्विनी ॥
"तिलालोहं हिरण्यं च कार्पासं लवणं तथा। सप्तधान्य क्षितिं गां च एकैक पावनं स्मृतम् ॥
"तिलपात्रं ततो दत्वा पट्टदानं तथैव च। ततो वैतरणीं दत्वा सर्वाभरणभूषिताम् ॥
"कर्तव्यं वैष्णवं श्राद्धं प्रेतमुक्तार्थमात्मनि। प्रेतमुख्यं ततः कुर्याद्धृदि विष्णुं प्रकल्प्य च ॥
"ओं विष्णुरिति' संस्मृत्य प्रेतं तं विष्णुमेव च। अग्निदाहं ततः कुर्यात्सूतक च दिनत्रयम्"॥इति।

प्रागुक्तसर्ववचनैकवाक्यतया सिद्धम्। मूलस्य निर्गलितार्थमाह। **ततश्चेति**। सर्वैकवाक्यत्वाच्चेत्यर्थः। **एवेन** दाहनिरासः। अत एवाऽऽह। **न चोदेति**। नापीत्यर्थः। **ततः** नामकरणात्। **ततः** तृतीयवर्षात्। **वर्षत्रयात्** तृतीयवर्षपूर्तेः **प्रागपि** तूष्णीमेवेत्यनुषंगः। **लौकिकेति**। जातारण्यभावे इति शेषः। यद्यप्यत्र व्याख्याताऽग्न्युदकदानमात्रं प्रतीयते तथाऽपि "असंस्कृतानां भूमौ पिंडं दद्यात् संस्कृतानां कुशेष्विति" प्रागुक्तसगुणविधेः पिंडदानमपि। तथा

"द्वादशाद्वत्सरादर्वाक् पौगण्डमरणे सति। सपिंडीकरण न स्यादेकोद्दिष्टानि कारयेत्" ॥

इति **देवलात्**सपिंडीकरणं विना तत्प्राग्भावि सर्वं कार्यम्। अत्र च पूर्वावध्यपेक्षायां यद्यपि

"चूडाकर्मणि संज्ञाने विपत्तिस्तु यदा भवेत्। सूतकांते प्रकर्तव्यं वृषस्योत्सर्जनं तथा।

"तत्र दाहः प्रकर्तव्य उदकं तत्र निश्चितम्। श्राद्धानि षोडशापि स्युः सपिंडीकरणं विना"॥

इति **देवयाज्ञिको**दाहृतवचनाद्धर**रदत्तेनौ**र्ध्वदेहिकोपलक्षणतया व्याख्यानात् उदकग्रहणकात् "उदकदानं सपिण्डैः कृतचूडस्येति" (अ. १४ सू. ३१) **गौतमसूत्राच्च** चूडाया एव पूर्वावधित्वं प्रतीयते तथापि **लौगाक्षे मानवे** चोदकदानस्य दाहसाहचर्यावगमेन 'नात्रिवर्षस्ये'-त्यत्र तस्योपलक्षणत्वेन च दाह एव पूर्वावधिरिति बोध्यम्। **देवयाज्ञिक**निबंधे तु दंतजननादर्वाङ्मृते दुग्धदानं सवयोभ्यः। चौलादर्वाक् पायसक्षीरवस्त्रादिदानं तेभ्य एव निखननं चोभयत्र तदूर्ध्वं पंचवर्षसमाप्तिपर्यन्तमग्न्युदकं पिंडदानमात्रं तेभ्य एव भोजनादिदानं तदूर्ध्वमुपनयनात्सपिंडीकरणवर्जं सर्वमित्युक्तं। वचनानि च तत्रोक्तानि। यथा हि

"गर्भे नष्टे क्रिया नास्ति दुग्धं देयं शिशौ मृते। परं च पायसं क्षीरं दद्याद्बालविपत्तितः॥

"एकादशद्वादशाहवृषोत्सर्गविधिं विना। महादानविहीनं च कुमारे कृत्यमाचरेत्" ॥ इति तथा

"यत्र प्रमीयते बालस्तत्र प्रायः प्रदीयते। किंचित्समावयोज्यं तत्कृत्यान्नं तु यथाविधि ॥
"भक्ष्यं भोज्यं च दातव्यं तथा च सुखभक्षिका। तद्वस्त्राणि प्रदेयानि सोपानत्कानि तत्समे"॥इति

अत्र बालग्रहणं कुमारस्यापि उपलक्षणम्। "कुमाराणां च बालानां भोजनं वस्त्रवेष्टनमिति" तत्रैवोक्तेः। तथा

"भूमिनिक्षेपणं बाले आवर्षद्वयमाशिखम्। ततःपरं खगश्रेष्ठ देहदाहो यथाविधि"॥ इति

प्रथमवर्षकृतचूडस्यापि निखननाविनित्तार्थम्। आशिखमिति उपनीतकालादौ करिष्यमाणचूडस्यापि तदर्थम्। आवर्षद्वयमिति। तथा

"शिशुरादन्तजननाद्बालः स्याद्यावदाशिखम्। कथ्यते सर्वशास्त्रेषु कुमारो मौंजिबंधनात्" ॥

इति अत्र यद्यप्यामौंजिबंधनादित्युक्तं तथापि पूर्ववाक्यानि पंचवर्षपर्यन्तमेव प्रवर्तंते तदूर्ध्वं तु

"पंचवर्षाधिके बाले विपत्तिर्यदि जायते। वृषोत्सर्गादिकं कर्म कर्तव्यं उदकं ततः ॥
"अहन्यहनि संप्राप्ते कुर्यात् श्राद्धानि षोडश। पायसेन गुडेनैव पिण्डं दद्याद्यथाक्रमम् ॥
"उदकुंभप्रदानं तु पद्दानानि यानि च। भोजनानि द्विजे दद्यान्महादानानि भक्तितः ॥

"दीपदानानि यत्किंचित्पंचवर्षाधिकं सदा। कर्तव्यं तु खगश्रेष्ठ व्रतार्वाक् प्रेततृप्तये॥
"स्वाहाकारेण वै कुर्यादेकोद्दिष्टानि षोडश। ऋजुदर्भैस्तिलैः शुक्लैः प्राचीनावीति निश्चितम्"॥इति।

प्राचीनावीति यथा स्यात्तथा येषामपि षोडशश्राद्धपर्यंतं सर्वं क्रियते तेषामपि सपिंडीकरणाभावात्सांवत्सरिकादीनि न भवंत्येव। तदभावे तद्देवतात्वापादकपितृत्वाभावात्। यतिवच्च तद्दिनैव तत्संपत्तौ प्रमाणाभावात्। स्त्रीणां तु कृतचूडानामपि आपरिणयादुदकदानादि वैकल्पिकं "तत्स्त्रीणां चैके[१]ऽप्रत्तानामिति" (अ.१४ सू. ३२।३३) **गौतमसूत्रात्**। शूद्राणामप्येवं "स्त्रीशूद्राश्च सधर्माण" इत्युक्तेरिति दिक्॥ १ ॥ २ ॥

याज्ञवल्कीये ३ श्लोकः।

मूले वा आ अपीति छेदः। स च मर्यादायां। **तदार्वागिति**। तत्पर्यंतमित्यर्थः। **दिवसाद्वा** दिवसादपि वा। **पित्रित्यस्य** व्याख्या **दक्षिणेति**। गत्यर्थकेण धातुना जहत्स्वार्थलक्षणयाऽभ्युपगमनपूर्वकमुदकदानमुच्यते इत्याह**अभ्युपगमनेनेति**। तदर्थकेनेत्यर्थः। अनेन शक्यार्थ उक्तः। संबंधमाह। **तत्प्रयोजेति**। वैशिष्ट्यं च तन्निष्ठविशेष्यतानिरूपितप्राकारतासंबंधेन बोध्यम्। अनुपपत्तिरूपबीजमाहैवं **मातेति**। **अनन्तरं** अव्यवहिताग्रिमश्लोके। अत एवाभ्युपगमप्रयोजनत्वाविशेषेऽपि न स्नाने लक्षणा। आवश्यकोदकदानलक्षणयैवानुपपत्तिशांतिः। स्नानरूपांगानुक्तिस्तु पाषाणाद्यनुक्तिवदुपपन्ना। तथा च 'अपेति' मंत्रस्य दक्षिणामुखत्वस्य चोदकदानेनैवान्वयः। लक्ष्यशरीरमध्ये स्नाननिवेशेऽपि प्राधान्यात्तस्य तेनैवान्वयो न तु स्नानेन। एवं च "अप नः शोशुचदघमिति" "दक्षिणामुखा निमज्जतीति" (३। १०।१९–२०) **पारस्करान्**मंत्रे शेषे विकल्पः। समुच्चयो वाऽस्तु। न तु तदनुरोधादत्र स्नानान्वयः। उदकदाने दक्षिणामुखत्वं च ब्राह्मणविषयमिति न वक्ष्यमाणेन विरोध इति भावः। केचित्तु अभ्युपगमनपूर्वकोदकदाने लक्षणया सप्तमाद्दशमादपि वा पुरुषादर्वाक् ज्ञातयोऽपोभ्युपयन्ति। उदकसमीपं गत्वा तत्र स्नात्वोदकं प्रयच्छन्ति। स्नाने च मन्त्रे पितृदिङ्मुखत्वान्वयः। उदकदाने तु वक्ष्यमाणो नामादियुक्त एव मंत्रो वर्णभेदेन दिङ्नियमश्चातो न विरोधः। सिद्धांते तु समंत्रो वक्ष्यमाणविधेरप्रेति मन्त्रान्तरं ग्राह्यः। अत एव **पारस्करः**(३।१०।१२-२०) "संयुक्तं मैथुनं याचेरन्नुदकं करिष्यामहे इति। कुरुध्वं मा चैवं पुनरित्यशतवर्षे प्रेते। कुरुध्वमेवेतरस्मिन्। सर्वे ज्ञातयोऽपोभ्यवयंत्या सप्तमात्पुरुषाद्दशमाद्वा। समानग्रामवासे, यावत्संबंधमनुस्मरेयुः। एकवस्त्राः प्राचीनावीतिनः सव्यानामिकयापनोद्यापनः शोशुचदघमिति दक्षिणामुखा निमज्जन्ति। प्रेतायोदकं सकृत्प्रसिंचंत्यंजलिनाऽसावेतत्ते उदकमिति"। संयुक्तं विद्यादिना प्रेतसंकट्टम्। मिथुनमेव मैथुनं। स्त्रीपुरुषयुग्मं विद्यासंयुक्तमुत्तरदानाभिज्ञं "मैथुनश्यालकम्" इति **कर्कः**। शतन्यूनवर्षे प्रेते कुरुध्वं मा चैवं पुनरिति याचितस्योत्तरं इतरस्मिंच्छतवर्षे कुरुध्वमित्येवसदामदशमग्रहणमविवक्षितं जन्मनाज्ञानपर्यंतमविवक्षितमेतदेव विवृतं यावत्संबंधमिति। एतदर्थमेव मूलेऽ**पिः**। अत्रत्यं प्रेतमरणं हत्वा **यथोक्तमग्निं** गमयित्वाऽनवेक्षमाणा आपोत्येकवाससोऽरतीभूताः कनिष्ठपूर्वा इति अरण्यं **श्मशाने अरतीभूता उद्विग्ना**। 'रतीभूता' इति पाठे श्रेणीभूता इत्यर्थकं **वैजवापोक्ते**

१ "प्रत्तानामिति" गौतमीये पाठः।

चैकवाक्यस्त्वं ब्राह्मणविषयं वक्ष्यमाण**प्रचेतसो**क्तमपसव्ययज्ञोपवीतवासस इति क्षत्रविड्विषमं "राजन्यवैश्यावप्यपसव्ये वासो यज्ञोपवीते कृत्वेति" **शंखातो** न विरोध इति केचित् । **शंखोक्ता**वपि न विप्रस्यापरिग्रहात्तत्रत्यमेकवस्त्रत्वं उत्तरीयाभिप्रायकमितिसर्वैकवाक्यतया सर्वत्रैकरूपतेति परे। परे अयनोद्येसत्रादेकमित्यस्यानुषंगः । **अस्त्वावुक्तिः** । यत्र संबुध्यंतप्रेतनामनिर्देश इत्यर्थः इति आह । विशेषं प्रथमपक्षानुरोधेनाहै**तच्चेति** । उदकदानं चेत्यर्थः । एवमग्रेऽपि बोध्यं। संस्कारानंतरं चितामप्रदक्षिणमावर्त्य जलसमीपं गंतव्यं । तथा च **विष्णुः** "निर्दूषबांधवाः प्रेतं संस्कृत्य प्रदक्षिणेनाचितामभिगम्याप्सु सवाससो निमज्जनं कुर्युरिति"। **आश्वलायनोऽपि** (गृ. सू. ४।४।९) । "सव्यावृतोव्रजंत्यनीक्षमाणा"[1] इति । **शरीरं** प्रेतस्य अनवेक्षेतिसंस्कारस्थानमितिशेषः । **अप** इति अभ्युपगम्य स्नातुं प्रविशंतीत्यर्थः । अस्य मूलैकवाक्यतयाऽपि सुयोजत्वादाह **तथेति** वित्रोव्य (?) उक्तोऽन्यश्च । **यथेति** पदार्थनतिवृत्तावव्ययीभावः । **नोद्धर्षेति** । अंगामितिशेषः । **उदकांते** उदकसमीपे तीरे । अपसव्ये यज्ञोपवीतवाससी येषां अभ्यर्हितत्वातद्वानित्यत्वाद्वा साधुता । **ब्राह्मणस्ये**त्यादि प्रेतविशेषणं अनेन शूद्रेऽनियमः सूचितः । **राजन्ये**त्यार्षो द्वंद्वः । विरोधपरिहर्तुमाह । **स्मृत्यंतरे त्विति** । तत्र तावदित्यंतांशे मानमाह । **यथाहेति** । अत एव मूलेऽपि द्वितीयपक्ष उक्तः । स च सर्वोपलक्षणं । आवृत्तौ मानमाह । **तथेति** । **अंजलीनि**त्यनेन त्रय इति सूचितं। **प्रेतेति** प्रेतोद्देशेनेत्यर्थः ।

उत्तरार्धार्थमाह। **प्रतीति** । एकादशाहादावनतिप्रसंगायाह। **यावद्दशम इति** । अञ्जलिसंख्या पक्षाश्च त्रयः स्मृतिषूक्तास्तत्र सकृत्पक्षो मूले वक्ष्यमाणः । **तथैवाश्वलायनेना**पि "एकांजलिमिति" (गृ. सू. ४।४।१०)। **प्रचेतसा** तु पक्षत्रयमप्युक्तं तत्र दश-द्वादशेत्यादित्यर्थवक्ष्यमाणः सकृत्पक्षः । तथैव 'त्रिः प्रत्येकमि'त्यंजलित्रयपक्षतृतीयः प्रकृतः । तत्र यदि प्रथमदिने त्रयो दत्तास्तदा द्वितीये षट् तृतीये नवेत्यादिक्रमेण त एवांजलीनिति बहुवचनसंगतिः । यद्येकस्तदा द्वितीये द्वौ तृतीये त्रय इत्यादिक्रमेण दिनसंख्यया द्वैगुण्यत्रैगुण्यादिपक्षवत् । मूलपक्षेण शास्त्रार्थसिद्धावपि गुरुपदानुष्ठाने प्रेतोपकारातिशयः कल्पः । अन्यथा तदुक्त्यानर्थक्यप्रसंग इति भावः । तदेतत्ध्वनयन्नाह। **यद्यपीति** । **अनयो**र्मूलाद्युक्तप्रचेतसोक्तयोः । **गुरुतरेति** प्रचेतसोक्तेत्यादिः । अस्य चोदकदानस्य तर्पणत्वेनान्वारब्धसव्येनापि पक्षे प्राप्तावंजलिनियमायाह। **वसिष्ठेनापीति** । **सव्येतरेति** । सव्योतरेति पाठांतरम् ॥ ३ ॥

याज्ञवल्कीये ४ श्लोकः ।

एतदग्रे उक्तेरेवमित्यनेन तस्य नातिदेश इति भ्रमनिरासायाह । **वक्ष्यमाणेति** । गोत्रे तदुच्चारणादिरूपगुणविशिष्टस्येत्यर्थः । स तु उभयत्र गुणविधिः । अत एवाग्रे तथैवावतारितमिति भावः । **एवमिति** व्याचष्टे। **यथेति** । बहुवचनोपपत्तये आह । **मातामहानामिति** । अनेनैकशेषेण मातामह्यादिरपि ग्राह्यात्रेति सूचितम् । अग्रे प्रेतग्रहणाच्चाप्रेता अपि । कामेनोदकमिति सुप्सुपेति समासः । तात्पर्यार्थमाह । **प्रेतेति** ।

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१ 'वेक्ष्यमाणा ' इति आश्वलायनीयपाठः । २ ख-स्नातुं न प्रविशन्तीत्यर्थः ।

तस्यापि तात्पर्यमाह। **अकरणे** इति। अदाने इत्यर्थः । **पारस्करेऽपि** (३।१०।३९।४३)। "आचार्ये चैवं। मातामह्यास्वस्त्रीणां चाप्रतानां प्रत्तानामितरेकवीरान्। तांश्च तेषाम्" इति। तत्र स्त्रीणां न मंत्रः। "अमंत्रा हि स्त्रियो मता" इति **बौधायनात्** । "अथ मित्रप्रजास्वस्त्रीयथाज्यश्वशुरगुरुसुहृद्याजकानां यथेच्छमिति"। गुरुरुपाध्यायः। सुहृत्संबंधी मातुलमातृष्वस्रीयादिः। **शंखलिखितावपि** । "उदकक्रिया कामं श्वशुरमातुलयोः । शिष्ये सब्रह्मचारिणि राजनि चेति" । मूले चैनानुक्तानामेषां संग्रहो बोध्यः ॥ ४ ॥

मि. पृ १६४.

याज्ञवल्कीये ५ श्लोकः (पूर्वार्धः) ।

उदकदाने उभयत्र गुणत्वमुपकारत्वं तत्त्वमुपपादयति । **तच्चोदकेति** । चेन सगोत्राणामपि ग्रहणं । **वाग्यता** इति बहुव्रीहिराहिताग्न्यादिः । तदाह । **मौनिन** इति। **नामगोत्रेणेति** समाहारद्वंद्वत्वेनोपलक्षितमुदकमिति शाब्दोऽर्थः । तत्कलितमाह । **प्रेतस्येति** । तच्चोच्चारणलाक्षणिकमित्याह । **नामेति** । तत्स्वरूपमाह । **अमुकेति** । अमंत्रो "ऽपन इत्युग्रे पांह्व" इति प्रागुक्तमेव। मूले चायमुक्तः **प्रचेतसा** । "प्रेतस्तृप्यत्विति" । **वैजवापेन** "अमुष्मै स्वधेति"। **पारस्करेण** "असावेतत्त" इति। **हारीतेन** "असौ तृप्यतामिति" **कात्यायनेन** "गोत्रनामपदांते च तर्पयामीत्यहं वदेदिति" । **रामायणे** च "इदं पुरुषशार्दूल विमलं दिव्यमक्षयम् । पितृलोकेषु पानीयं मद्दत्तमुपतिष्ठताम्" इति । एषां च विकल्पो बोध्यः । 'स च व्यवस्थित ऐच्छिको वेत्यन्यत् । सर्वं वाक्यमिति' **न्यायेनाह** । **सकृदेवेति** । **यद्यप्यत्रोदकमित्येवोक्तं** तथापि कुशतिलयुतं देयं । "दक्षिणाग्रान् कुशान्कृत्वा सतिलं तु पृथक्पृथगिति" **कातीयात्** । कुशानां च सत्यपि पित्र्यत्वे द्विगुणभुग्नता न कार्या ।

"सपिंडीकरणं यावदृजुदर्भैः पृथक् क्रिया[१]। सपिंडीकरणादूर्ध्वं द्विगुणो विधिवद्भवेत्" ॥ इति **विष्णुपुराणात्** । आर्षत्वाद् लिङर्थे लडित्याह । **प्रसिंचयुरिति** । अनुक्तं पूरयति । **त्रिर्वेति** ।

अयं वक्ष्यमाणः । **तेनैव प्रचेतसैव** । ततः संस्कारोत्तरं । **शौचं** मूत्रपुरीषादि । **यथार्थवत्** सप्रयोजनं यथा भवति तथा । **वस्त्रं** उपरि वस्त्रं । **ततः** तच्छोधनानन्तरं। स्नानप्रकारमाह। **सचैलस्त्विति** । ततः संस्कारकर्मतः शुचिः । ततः संस्कारस्थानात् । **पाषाणं** यकृच्छिद्रकारकं । **त्रिप्र** इत्यादिवेदाक्षिकसप्तर्च्यंतं । ततः अञ्जलिदानानन्तरं ।

अत्र दशार्धंजलिदानं न प्रथमदिन एव विधीयते । किंतु सर्वाशौचं दिनानि मिलित्वेति प्रत्यहमेकांजलिदानमुक्तं भवति । गृहप्रवेशस्तु प्रथमदिने एवोक्तकाले । केचित्तु प्रथमदिने एव दशार्धंजलिदानविधिमाहुः । अत्र स्नानगृहप्रवेशयोः "पाठक्रमादिति" **न्यायेन** व्युत्क्रमो बोध्यः । **पुनःशब्देन** सकलपूर्वस्नानधर्मातिदेशेन नदीरूपाधिकरणाप्राप्त्या गृहप्रवेशोत्तरं तदसंभवात्पुनर्नदीकल्पने गौरवात्तथैव शिष्टाचाराच्चेति केचित् । आशौचोत्तरदिनस्य स्नानपरमिति परे । गृहशौचस्याशौचान्त्यदिनपरत्ववत् । अत्रापि पक्षे शिष्टाचारादंजलिदानोत्तरं स्नानं भवत्येवेति

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१ प्रेतानाञ्चोदकक्रिया इति पाठान्तरं प्रायेणेदम् ।

बोध्यम्। अत्र नदी भागीरथीत्यादि "धर्म्यास्वप्सु" इति **वैजवापात्**। नद्यभावे तडागादौ **कार्यम्**। अत्रोदकमवहद्भवति तत्प्रायम्। "सकृदुन्मज्यैकांजलिमुत्सृज्य तस्य गोत्रं नाम गृहीत्वोत्तीर्य वासांसि परिधाय सकृदन्यान्यापीड्योदक्दशानि विसृज्यासत आ नक्षत्रदर्शनात्"। **इत्याश्वलायनात्** (४।४।१०)।

(उत्तरार्धः)

तत्त्वस्य तावत्पर्यन्तमेव सत्त्वादाह। **समेति**। अत एवाऽवतेति **मनूक्तिः**। तथार्थमाह। **चेति**। अधिकसंग्रहाय तदर्थमाह। **प्रच्युतेति**। उदकपदमुपलक्षणमित्याह। **उदकादीति**। तेन दाहपिंडदानादिसंग्रहः। विशेषमाह। **ब्रह्मेति**। **पूर्वेति** ब्रह्मचर्यावस्थायामित्यर्थः। ततः पूर्वमृतानां तु अजातत्वात्तत्र निषेधाभावात्। **उदकेति**। एकस्मिन्दिने सर्वेषां प्रत्येकमिति भावः। **आदिष्टीत्यनेन** ब्रह्मचार्युच्यते इत्यन्वयः। तत्र हेतुमाह। **ब्रह्मेति**। **आश्वलायन**सूत्रमिदम् (१।२२।३)। **आदिना** भिक्षाचरणादि। तथा च न केवलं रूढिः। किंत्वादेशनं व्रतादेशनमादिष्टं तदस्यास्तीति योगोऽपीति भावः। **आव्रतस्ये**त्यस्याऽऽसमावर्तनादित्यर्थः। न त्वांतरालिकमाहानाम्न्यादि व्रतसमाप्तेरिति।

एतच्चेति मूलोक्तं **मनूक्तं** त्वित्यर्थः। अत एव "अपराध्यत्यादिष्टी नोदकमिति" **स्मृत्यन्तरम्**। **मेधातिथिरप्येवं**। **विश्वरूपाचार्यमतमाह**। **आचार्य इति**। **प्रक्रांतेति** प्रारब्धेरित्यर्थः। आव्रतस्येत्यत्र व्रतं प्रायश्चित्तरूपमेव। तदेव ध्वनयन्नुत्तरार्द्धार्थमाह। **प्रायश्चित्तेति**। अत्र मन्यते इत्यनेनाचारादिविरोधरूपारुचिः सूचिता। न्यूनतां परिहरति। **तथेति**। आद्यशब्देनांधादयः प्रागुक्ताः। ब्रह्महादय इति केचित्। **व्रात्या** यथाकालमनुपनीताः। **विधर्मिणः** पाषंडिनः। "यतेः किंचिन्न कर्तव्यं न चान्येषां करोति स" इति **मनुः**॥ ५॥

याज्ञवल्कीये ६ श्लोकः।

संगतिमाहै**वमिति**। **संप्रदानेति**। उद्देश्येत्यर्थः। तथा च प्रागुक्तब्रह्मचार्यादिभिन्नैरपि सपिंडादिभिर्मृतपाखंड्याद्युद्देशेनोदकादि न कार्यमिति भावः। पदार्थानाह। **नरेति**। अनुगमकमाह। **अकृतेति**। यथाश्रुतानुपपन्नं विवक्षितार्थमाणधीति (?)। अनेन तदभावे तत्त्वाभावः सूचितः। एवमग्रेऽपि। **सवर्णेति**। ब्राह्मणीयान्येत्यादिः। अनिषिद्धसुरापाने दोषाभावादाह। **यासामिति**। सकृत्पाने तदभावादाह। **पानरता इति**। स्वाभाविकोऽयमर्थः। वक्ष्यमाणमाह।

मि. पृ. १६५

विषेति। एवं पदार्थानुक्त्वा वाक्यार्थमाह। **एते इति**। प्राग्वदाह। **उदकेति**। नन्वेतेषां अशौचोदकदानकर्तृत्वाभाव एव प्रतीयते भाजनशब्दस्य पात्रवाचित्वादिति पूर्वतुल्यते चेत् प्रतिज्ञार्थासिद्धिरत आह। **भाजयंतीति**। सेवयंति इत्यर्थः। तदर्थमाह। **सपिंडादीनामिति**। तात्पर्यार्थमाह। **अत** (स्तन्मरण) **इति**। असत्यागिन इत्यनुरोधेनायमेवास्यार्थो न तु स इति भावः।

न्यूनतां निराचष्टे। **अत्र चेति**। **अनुपेति**। उद्देश्येत्यर्थः। तेन पुंसामपि ग्रहणमिति भावः। विशेषमाह। **एतच्चेति**। तदभाववचनं चेत्यर्थः। **बुद्धीति** पूर्वक [illegible]

शास्त्रोक्तमार्गेणेच्छापूर्वकमृतानामाशौचादि न कार्यमिति **गौतमार्थः**। अनापदीत्यर्थः। (?) विषभावे गतुलित्याहा**नेति** । अत्र स्फुटं मानांतरमप्याह । **अथेति** । **तस्याशौचमिति** । तच्च प्रत्यक्षशवदाहे पूर्णमेव विशेषानुक्तेः । प्रतिकृतिदाहे तु प्रागुक्तं । उदकग्रहणं चोपलक्षणं । परे तु प्रमादमरणत्वात्तन्निमित्तकप्रायश्चित्तपूर्वकं तत्कार्यम् । तानि च प्रायश्चित्तानि "व्याघ्रेण निहते प्रेते परकन्यां विवाहयेदि"त्यादिना **शातातपीये** गृह्यकारिकायाश्चोक्तान्यन्यत्र स्पष्टानि ।

अन्यदप्याह । **तथेति** । **अंगिरोवाक्यमाह** । **चांडालादिति** । **वैद्युतात्** विद्युत्संबंध्यनलात् । **पशुभ्यो** भिन्नगवादिभ्यः । चांडालादिभ्यः प्रत्येकं यन्मरणं तत्पापकर्मणामिति । तेभ्यः प्रेतेभ्यो यत्प्रदीयते उदकं पिंडदानं चोदम्भ्यादि तत्सर्वं तत्र **नोपातिष्ठति** । नोपकरोति । **किंत्वंतरिक्षे** मध्ये एव **विनश्यतीत्यर्थः** । मध्ये ददाति भक्तिः । प्राग्वदाह । **एतदपीति** । अपिना पूर्वसमुच्चयः । ननु **गौतमैक**वाक्यतया प्राक्संभवेऽपि अत्र तदभावात् । निराकांक्षत्वान्निमित्तभेदात्कथं तत्त्वमत आह । **गौतमेति** । अत्रापि चंडालादिति । **अंगिरोवाक्ये**ऽपि तादिति चंडालादावुदकसाहचर्येत्यर्थः । अयं भावः । मूलस्य **गौतमैक**वाक्यतया तद्विषयत्वसिद्धौ तदेकवाक्यतयैव चंडालादुदकादित्यत्राप्युदके इच्छासंबंधावश्यकत्वेन तत्साहचर्याच्चांडालादिष्वपि तत्संबंधः । चंडालादिभिर्यन्मरणं तत्पापकर्मणामिति वचनव्यक्त्या चंडालादिहेतुकमरणस्य पापहेतुकत्वप्रतीत्या पापस्य च निषेधातिक्रमहेतुकत्वान्निषेधस्य च पुरुषव्यापारगोचरत्वात्प्रमादमरणे च मरणानुकूलतदभावात्पापकर्मणामिति विशेषणादपि तथा । अन्यथा पूर्वे जन्मनि पापकर्मणां येषां चंडालादिभिर्ये मृतास्तेषामेवायं सर्वत एवेतिविधेर्मरणामिति तस्यानर्थक्यात् श्वादिदंशवज्जन्मांतरीयपापानुमानेऽपि निषेधे विशेषानाधायकत्वात् । तस्मान्मरणाभिसंधिना दर्पेण वा शास्त्राभ्यनुज्ञां विना चंडालजलादिभिः प्रागुक्तनिषेधस्य चातिक्रमजनितदोषनिमित्तकाशौचौर्ध्वदैहिकनिषेध इति तदाह । **अतो दर्पादिना विध्यतिक्रमानिमित्त इति** बहुव्रीहिः । सोऽपि । उत्तरार्द्धेऽपि एवमित्याह । **एवमिति** । अनेन सकलविधिनिषेधातिक्रमजदोषस्य न तन्निमित्तत्वं किं तु कस्यचिदेवेति तु शास्त्रैकसमधिगम्यत्वाद्यथाशास्त्रमिति सूचितम् । तथा च **ब्राह्मे**

"शृंगिदंष्ट्रिनखिव्यालविषवह्निस्त्रियाजलैः । सुदूरात्परिहर्त्तव्यः कुर्वन् क्रीडां मृतस्तु यः ॥
"नागानां विप्रियं कुर्वन् हतश्चाप्यथ विद्युता । निगृहीतः स्वयं राज्ञा चौर्यदोषेण कुत्रचित् ॥
"परदारान् रमन्तश्च द्वेषात्तु पतिभिर्हताः । असमानैश्च संकीर्णैश्चांडालाद्यैश्च विग्रहम् ॥
"कृत्वा तैर्निहतास्तांश्च चंडालादीन्समाश्रिताः । शस्त्राग्निगरदाश्चैव पाखंडाः क्रूरबुद्धयः ॥
"क्रोधात्पापं विषं वह्निं शस्त्रमुद्बंधनं जलम् । गिरिवृक्षप्रपातं च ये कुर्वन्ति नराधमाः ॥
"कुशिल्पजीविनो ये च सूनालंकारधारिणः । मुखेभगाश्च ये केचित् क्लीबप्राया नपुंसकाः ॥
"ब्रह्मदंडहता ये च ये चापि ब्राह्मणैर्हताः । महापातकिनो ये च पतितास्ते प्रकीर्तिताः ॥
"पतितानां न दाहः स्यान्नांत्येष्टिर्नास्थिसंचयः। नाश्रुपातश्च पिंडो वा कार्यं श्राद्धादिकं क्वचित्॥
"एतानि पतितानां तु यः करोति विमोहितः । तप्तकृच्छ्रद्वयेनैव तस्य शुद्धिर्न चान्यथा"॥इति ।

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१ विडभावे मतुबित्याह । २ खन्क्लीमाया । (पृ. २३) ।

व्यालो दुष्टगजः। नागाः सर्पाः। चौर्येति साहसादेरप्युपलक्षणं। रमंतो रमयंतः। क्रोधादिति शोकादेरप्युपलक्षणम्। मरणाभिसंध्यभावे विषादिभिर्मरणं पूर्वमुक्तं। अधुना तत्सत्तायामुच्यत उक्तपौनरुक्त्यम्। कुशिल्पजीविनः। आपद्यपि निषिद्धचर्मकारादिशिल्पोपजीविनः। सूना प्राणिवधस्थानं। तदलंकारांस्तदुपकरणानि शस्त्रादीनि धारयंति। (?) तदनर्हास्तत्राधिकृता इति। मुखेभगा इति अयोनौ रेतःसेकनिषेधात्। क्लीबेषु पतितत्वोक्तिर्भूम्नाग्रद्वौर्ध्वदेहिकदेवतात्वायोग्यत्वरूपपातित्यं पुंकृते मरणोत्तरकालिकं विवक्षितं। न तु द्विजातिकर्महान्यापादकपापवत्वरूपं पूर्वकालिकम्। ब्रह्मदंडः शापकृत्यादिः। उत्पादितहंतृक्रोधास्तेनहताः। ये च ब्राह्मणैःसाक्षाद्धताः। महापातकिग्रहणं **गौतमोक्ता**नामतिपातक्यादीनाम्।

“चतस्रस्तु परित्याज्या शिष्यगा गुरुगा च या। पतिघ्नी च विशेषेण जुंगितोपगता च ये”॥
इत्युक्तानां च पतितानाश्रितानां चोपलक्षणम्। अत एव **स्मृत्यंतरं** सर्वग्राहकम्।
“आत्मनस्त्यागिनां नास्ति पतितानां तथा क्रियेति”। **मनु**रपि। (अ. ५ श्लो. ८८–८९)
“वृथासंकरजातानां प्रव्रज्यासु च तिष्ठताम्। आत्मनस्त्यागिनां चैव निवर्तेतोदकक्रिया॥
“पाखंडमाश्रितानां च चरंतीनां च कामतः। गर्भभर्तृद्रुहां चैव सुरापीणां च योषिताम्”॥

वृथाजाता अनाश्रमिणः पंचमहायज्ञादिरहिताः। दंपतिसाध्यकर्मानधिकारात्संकरजाताः। भिन्नवर्णस्त्रीपुरुषजाताः। ते च प्रतिलोमजा एव निंदितवृथाजातैः सह द्वंद्वात्। प्रव्रज्यासु तिष्ठतां संन्यासिनाम्। यत्तु “बाह्यप्रव्रज्यानां कापालिकदिगंबरादिदर्शनभेदेन बहुत्वाद्बहुवचनोपपत्तेरत्र ग्रहणमित्युक्तं” **मेधातिथिना** तत्तु “पाखंडमाश्रितानां चे”त्यनेन पौनरुक्त्यापत्तेरुपेक्ष्यम्। बहुवचनं तु दर्शनभेदाभावेऽपि हंसपरमहंसैकदंडत्रिदंडादिभेदाद्वैदिकीष्वप्युपपन्नम्। अत एव त्रिदंडग्रहणादेव प्रेतत्वं नैव जायते इति संगच्छते। त्रिदंडग्रहणमुपलक्षणम्। निंदितसाहचर्यमात्रं तु श्रुतिविरोधेऽकिंचित्करम्। अत एव वृथाशब्दान्वयेन तत्परत्वं **वाचस्पत्या**द्युक्तमप्ययुक्तम्। आत्मत्यागस्य तु वाक्यांतरबलादशास्त्रीयस्य ग्रहणं न तु वृथाशब्दान्वयात्। “व्यवायान्नानुषज्येत” इति **न्यायात्** इति दिक्। तदाह। **अनुसंधेयमिति**। विशेषमाह। **अयं चेति**। “नाशौचोदकभाजना” इत्यादिनोक्तं इत्यर्थः। **आदिना** द्वादशाहादि अहादि च। तत्र हेतुमाह। **हतानां नृपगोविप्रैरन्वक्षं चेति**।

तदप्युपलक्षणमित्याह। **तथेति**। **आदिना** पिंडदानपरिग्रहः। **अपि**स्तयोरेव समुच्चये। **अंतकर्म** प्रेतकर्म। **ब्रह्मेति** ब्रह्मदंडाभ्यां हता इत्यर्थः। ब्रह्मशब्दो ब्राह्मणपरः। दंडश्च समभिव्याहारात् ब्राह्मणशापकृत्यादिपरः। तदेतदभिप्रेत्य संग्रहाय साधारणमाह। **ब्राह्मणेति**। प्रसिद्धार्थनिरासायाह। **प्रेतेति**। **न चेति**। यद्यप्यत्राग्निभिरिति सामान्येन श्रुतं तथाप्यग्नित्रयमेव लभ्यते “त्रेताग्निभ्यो दहंति[1] तस्याग्नित्रेतायां पितृमेध” इति च प्रागुक्त**भारद्वाज**सूत्रात्। “दग्धव्यस्त्रिभिरग्निभिः” इति प्रागुक्त**वृद्धयाज्ञवल्क्या**द्युक्तेश्च सभ्यावसथ्यौ सभ्यावसथ्यावाहिताग्नेर्दहनकर्मणि न प्रयुज्यते। चिताप्रदेशा अप्युदीच्यां दिशि पंचमक्रमानतिक्रम्योक्त्वा[2] निशायामप्रतिपत्तीति “उपयुक्तस्याकीर्णकरतानिवर्तकं कर्म प्रतिपत्तिकर्म। **आहिताग्नीति** तद्रूपविषयं न

१ स–ती। २ ख–क्रम्योक्त्वतातिशायामपति।

निषेधो विषयीकरोति। स्मृतितः श्रुतेः प्राबल्यादन्यथा तस्या आनर्थक्यापत्तेरित्यर्थः। 'आनर्थक्येति' **न्यायेन** विप्रादिहतान्याहिताग्निविषयतया श्रुतेः सावकाशत्वेन तत्प्रतिपत्त्यंतरबोधकस्मृत्युपोद्बलितनिषेधस्मृतेरेव प्राबल्यमित्याशयेन सिद्धांतमाह। **यतश्चण्डाल इति। विधीयतेति**। मुनिनेति शेषः। प्रतिपाद्यत इत्यर्थः। **वैतानं** श्रौताग्निं। जातावेकवचनम्। **आवसथ्यम्** औपासनाग्निम्। उभयसाधारणमाह। **पात्राणीति। वृथेति**। उक्तप्रकरणेत्यर्थः। संस्कृतीयानां ग्रामान्तरादानीतानाम्। अथ प्रसंगादसद्भर्चां अविहतमार्गे यातियावत्। तच्छरीरस्येति आहिताग्निशरीरस्येत्यर्थः। आद्यस्**तथा** चार्थे। द्वितीयस्**तथा** किंत्वित्यर्थे। **गंगेति** संभवाभिप्रायेण। **तथा** च पुण्यनद्युपलक्षणमेतत्। "शूद्रस्तद्देहं दाहयेदिति" तु **हेमाद्रावुक्तम्**। उपसंहरति **तस्मादिति**। आहिताग्निभिन्नत्वरूपविशेषानादरेणेत्यर्थः। तदेवाह। **सर्वेषामिति**। आहिताग्न्यनाहिताग्न्यादीनामित्यर्थः। एवं च वत्सरांते तेषां मरणे शरदाहादीत्युपदमेव स्फुटीभविष्यति।

"जलेऽस्थिनिक्षेपक्रिया प्रदर्श्यते। अस्थीन्यादाय गंगातीरेऽवस्थाप्य कर्ता सचैलं स्नात्वाऽऽचम्यास्थीन्यपि केशवादिद्वादशनामभिर्द्वादशवारं गंगायां निमज्य पुनस्तीरेऽवस्थाप्य ब्राह्मणैरनुज्ञातः प्राचीनावीती दक्षिणामुख उपविश्य प्राणानायम्य तिथ्यादिश्रवणं कृत्वा अमुकगोत्रस्यामुकशर्मणो गंगायां तस्यास्थिनिक्षेपमहं करिष्य इति संकल्प्य अप उपस्पृश्य "गोत्रायाः देव्या अस्थीनीति" स्त्रियाः ततो गायत्र्यादिमंत्रैर्विधिवन्मिलितेन पंचगव्येनास्थीनि स्नापयित्वा शुद्धदेशान्मृदमादाय शरीराकृतिं कृत्वा तत्र दक्षिणाग्रान्दर्भान्संस्तीर्य्य तत्रास्थीनि निधाय अस्थिषु "हिरण्यरूपामिति" हिरण्यशकलं निधाय "मधु वाता" इति वचनेन मधु "तेजोऽसि शुक्रमसी" त्याज्यं "तिलोऽसीति" तिलान् गायत्र्या गोमूत्रं "गंधद्वारामिति" गोमयं "स्वादुः पयस्वेति" शर्करां "दधिक्राव्णां" इति दधि "आप्यायस्वेति" क्षीरं "देवस्यत्वेति" कुशोदकं दत्वा मुक्तारूप्यप्रवालादि च तत्र क्षिप्त्वा पुनर्मृत्तिकया शरीराकृतिं कृत्वाऽस्थीन्यपिधाय हस्ताभ्यां तत्सर्वं गृहीत्वा

"प्रसीद वरदे देवि सर्वपापप्रणाशिनि। अमुकस्य प्रयच्छाशु गतिं पुण्यस्य शाश्वतीम्" ॥

इति महानदीं प्रार्थयित्वा गंगाजले प्रविश्य निमज्य भूतलपर्यंतं गत्वा "नमोऽस्तु धर्मराजाय स मे प्रीत" इति तत्र निक्षिप्योत्तीर्य "पृथिवीं गच्छांतरिक्षं गच्छ दिशो गच्छ स्वर्गं गच्छ दिशो गच्छ दिवं गच्छांतरिच्छं गच्छ पृथिवीं गच्छापो वा गच्छ यदि तत्र ते हितमोषधीषु प्रतितिष्ठा शरीरैरिति" जपित्वा स्नात्वा वासः परिधायाऽऽचम्याऽनन्तर्दशाहविषयहिरण्यश्राद्धन्तर्पणश्च कृत्वा कर्म ईश्वरार्पणङ्कुर्याद्" इति। "आप्तो वा म्रियते यदि। पशूनामिव तस्येह न कुर्यादौर्ध्वदेहिकम् ॥

"नैवाशौचं प्रसज्येत तत्पुत्राणां विशेषतः।

"अथैनमपि चोद्दिश्य कर्म चेत्कर्तुमीप्सितम्। कल्याणामेव कुर्वीत भक्ताभक्तांश्च पूजयेत्"॥ इति दिक्।

यद्यपीदं काश्यां प्रयागे च तुल्यं तथापि प्रयागमरणं ब्राह्मणस्य कलिवर्ज्येषु परिगणितमिति न तत्र तस्याधिकारः। अविमुक्ते त्वस्त्यैवेत्यन्यत्र विस्तरः।

अतः निषेधस्य प्राबल्यात्। **अतिक्रमे** अतिक्रमेण दाहादिकरणे तत्तन्निमित्तं वक्ष्यमाणाशौचमिति कर्तव्यमिति भावः। **स्नानं** शवस्नपनं णिजर्थांतरभावात्। **रज्जुच्छेदश्च** कादाचित्कः। **पातं चेति**

समाहारद्वंद्वः। प्रागुक्तब्राह्मोक्तं तप्तकृच्छ्रद्वयं तु "एतानीति विमोहित" इति च श्रवण इति बुद्धिपूर्वकसमुदितकरणाविषयकम्। बुद्धिपूर्वके तत्र तु द्विगुणं "जानात्तद्द्विगुणं भवेदि"त्युक्तेरित्याशयेनाह। एतच्च प्रत्येकमिति। बुद्धिपूर्वे तत्पूर्वककरणे। एतेन च श्रवणादेतस्याऽबुद्धिपूर्वकसमुदितकरणविषयत्वं तत्र विमोहित इति स्नेहाद्यभिप्रायमेव न तु विषयाज्ञानाभिप्रायम्। अत एव विमोहित इति णिच् प्रयोग इति क्तमपास्तं। नव्योदेवदत्तः कृषिं कुर्याद्यज्ञदत्तश्चेतिवच्चस्यान्यथोपपत्तेः। णिच्प्रयोगस्याज्ञानतोऽप्युपपत्तेश्च। तप्तकृच्छ्रश्चात्र मनूक्तो द्वादशाहसाध्यः। तदुक्तं तेन (११।२१४) "तप्तकृच्छ्रं चरन् विप्रो जलक्षीरघृतानिलान्। प्रतित्र्यहं पिबेदुष्मान्सकृत्स्नायी समाहितः॥" इति।

अबुद्धीति प्रत्येकमित्यादिः। वचनत्रयेऽपि वाशब्दश्रवणात्प्रत्येकविषयता स्फुटैव।

एषां पूर्वोक्तानां करसहितोदकक्रियेति मध्यमपदलोपिसमास इति केचित्। द्वंद्वोत्तरं तत्पुरुष इति परे। सांतपनं चात्र जाबालोक्तं सप्ताहसाध्यं। तदुक्तं तेन

"गोमूत्रं गोमयं क्षीरं दधिसर्पिः कुशोदकम्। एकैकं प्रत्यहं पीत्वा त्वहोरात्रमभोजनम्॥

"कृच्छ्रः सांतपनो नाम सर्वपापप्रणाशन"। इति।

विरोधं परिहराति। यः पुनरित्यादिना। पुनस्त्वर्थे। तदिति पूर्वोक्तपरामर्शकं। शवमिति सामान्ये शरीरापेक्षया वा नपुंसकं। केवलशब्द इतरनिवृत्तौ। तदेव विशदयाति। पूर्वोक्तानामिति। एतदुभयभिन्नानामित्यर्थः। तयोः प्रत्येकं अशक्तस्येति देशकालाद्यनुसारेणेति भावः। एवमग्रेऽपि। बंधच्छेदने इति। बंधनच्छेदने इति पाठांतरं। बंधने छेदने इत्यपि। मासमिति। कालाध्वनोरिति द्वितीया। भैक्षेति भिक्षासमूहेत्यर्थः। भिक्षेति पाठांतरं। त्रिषवणमिति त्रिकालस्नानं चेत्यर्थः। उपसंहराति। एवमिति। एतेन मिताक्षरोक्ता व्यवस्थावचनाननुगुण्यादप्युक्ता। किं तु ब्राह्मं बुद्धिपूर्वसमुदितविषयं। "कृत्वाग्निमिति" अबुद्धिपूर्वसमुदितविषयं स्पर्शाश्रुपातभिन्नदाहादिप्रत्येककरणे बुद्धिपूर्वे संवर्त्तोक्तं अबुद्धिपूर्वे तु समंतूक्तं स्पर्शाश्रुपातयोस्तु प्रत्येककरणे तच्छवमितीति नव्योक्तमपास्तम्

विशेषमाह। अयं चेति। अनुष्ठानेति शौचाचमनाद्यावश्यकनित्यादिकर्मेत्यादिः। जीर्णत्वादेवाह। वानप्रस्थेति। आदिना यतिनैष्ठिकब्रह्मचारिपरिग्रहः।

मि. पृ. १६६

अचिकित्स्यकुष्ठक्षयादिमहाव्याधिग्रस्तलुप्तभिषक्क्रियपरिग्रहश्च। विषयः विषयोऽपि। अत एवाह। तेषामिति। तथा च यदि ते भृग्वग्न्यादिभिरबुद्धिपूर्वं म्रियन्ते तेषामपि विहितमरणत्वेन दोषाभावान्नायमाशौचादिनिषेधः। किं तु तेषां त्रिरात्राशौचमौर्द्ध्वदेहिकञ्च भवत्येवेति भावः। वृद्धगार्ग्यमाह। वृद्धः शौचेति। तत्स्मरणतोऽपि रहित इत्यर्थः। यद्वा तद्बोधकस्मृत्यर्थरहित इत्यर्थः। उदकं उदकादिसर्वं दशाहकृत्यं। श्राद्धमहैकोद्दिष्टादिकं। ब्राह्मेऽप्युक्तम्

"दुश्चिकित्स्यैर्महारोगैः पीडितस्तु पुमानपि। प्रविशेज्ज्वलनं दीप्तं करोत्यनशनं तथा॥

"अगाधतोयराशिश्च भृगोः पतनमेव च। गच्छेन्महापथं वापि तुषारगिरिमादरात्॥

"प्रया[illegible]देहत्यागं करोति च। स्वयं देहविनाशस्य काले प्राप्ते महामतिः॥

"उत्तमान्प्राप्नुयाल्लोकान्नात्मघाती भवेत्क्वचित्। महापापक्षयात्स्वर्गे दिव्यान्भोगान्समश्नुते॥
"एतेषामधिकारस्तु तपसां सर्वजन्तुषु। नराणामथ नारीणां सर्ववर्णेषु सर्वदा॥
"ईदृशं मृतकं येषां जीवतां कुत्रचिद्भवेत्। आशौचं स्यात्त्र्यहं तेषां वज्रानलहते तथा॥
"वाराणस्यां म्रियेद्यस्तु प्रत्याख्यातभिषक्क्रियः। काष्ठपाषाणभूतस्तु जाह्नवीजलमध्यगः॥
"अविमुक्तोन्मुखस्तस्य कर्णमूलगतो हरः। प्रणवं तारकं ब्रूते नान्यथा कस्यचित्क्वचित्"॥इति।

वज्रानलहते तथेत्येतदपि वृद्धादीनामेव तादृशमरणप्रकारविधानपूर्वकं त्र्यहाशौचविधायकम्। दयादिना प्रमादेन वा तथा मृतानामाशौचाभावसम्पूर्णाशौचयोरुक्तत्वात्। "अग्निजलप्रविष्टानां भृगुसंग्रामगामिनाम्। देशांतरमृतानां च त्रिरात्रेण शुद्धिरि"त्यादि **कश्यपादि**वचांस्यपि वृद्धादिविषयाण्येव। **ब्राह्मवृद्धगार्ग्यै**कवाक्यत्वात्।

"योऽनुष्ठातुं न शक्नोति महाव्याध्युपपीडितः। सोऽग्न्युदकं महायात्रां कुर्वन्नामुत्र दुष्यति"। इति **गर्गोक्तेः**। अवृद्धस्याप्येवं। इदमपि वृद्धपरमित्यन्ये। तादृशस्य वृद्धविप्रादेः प्रयागमरणविधौ यद्यपि न विवादस्तथापि तन्मरणस्य कलिवर्ज्येषु भृग्वग्निपतनैश्चैव वृद्धादिमरणं तथेति **माधवीये आदित्यपुराणे** परिगणितत्वेन सांप्रतमनाधिकार एव। एवं फलार्थं विहितप्रयागमरणोऽपि

"सर्वेन्द्रियविमुक्तस्य स्वव्यापाराक्षमस्य च। प्रायश्चित्तमनुज्ञातमग्निपातौ महापथः॥
"धर्मार्जनासमर्थस्य कर्तुः पापांकितस्य च। ब्राह्मणस्याप्यनुज्ञातं तीर्थे प्राणविमोक्षणम्"॥इति

स्मृतिवाक्यं तु प्रायश्चित्तपरं वाराणसीपरं च। अत एव **मात्स्ये**

"अग्निप्रवेशं ये कुर्युरविमुक्ते विधानतः। प्रविशंति मुखे ते मे निःसंदिग्धं वरानन" ॥ इति

मात्स्यं संगच्छते। एवमनशनेनापीत्यपि। तत्र **ब्राह्मं** तूक्तमेव। एवं च तत्र बुद्धिपूर्वं प्राणत्यागिनामपि मोक्ष एव भवति। तत्र वैधप्राणत्यागिनां सद्योमोक्षः। अवैधेन तथा कुर्वतां किंचिद्विलंबः। एवं च तथा वृद्धादेरविमुक्ततोऽन्यत्रमरणं कलिवर्ज्यमेवेति बोध्यम्। अयं च सर्व एषामाशौचादिनिषेधस्तदानीमेव। संवत्सरादूर्ध्वं तु एषामपि सर्वेषामौर्ध्वदैहिकादि सर्वं कार्यमेव।

"गोब्राह्मणहतानां च पतितानां तथैव च। ऊर्ध्वं संवत्सरात्कुर्यात्सर्वमेवौर्ध्वदेहिकम्"॥ इति

षट्त्रिंशन्मतात्। तच्च नारायणबलिपूर्वकं कार्यमिति वक्ष्यते। अत्राहिताग्नेः प्रोषितस्य मरणे **शातद्वयीकारः**। "अग्नौ सति स्यादथ देहकल्पास्थिरस्थ्यस्ति चेदग्निरपेक्षणीयः। अस्थामभावे त्वशरीरकस्य विनष्टवह्नेरुदकक्रियैवेति" अत्र केशवी अग्निसुतात्सुपर्णाशरोत्पत्तिः शरीरेवासतिप्रेताधानेनाग्न्युत्पत्तिः। अत्रैव विषये यद्यग्नयो नू म्रियंते तदा शरीराभावात्स्त्रीसांन्निध्याभावात्प्रेताधानेनाग्न्युत्पत्तेरशक्यत्वात्संस्कारस्य दाहादेर्लोप उदकदानादि भवत्येव। पत्नीमरणेऽप्येवं। स्वामित्वाविशेषात्। तत्रैव क्व मृत इति देशापरिज्ञानेऽपि पाथिकृती कार्या। कक्षदहने पुरुषाकृतिदहने चोदकदानादिसमानमिति। इदं चिंत्यं। "तदभावे पलाशानां वृंतैः कार्यः पुमानपी"त्यभावे विधानेनास्थिवत्प्रतिकृतेस्तत्तुल्यत्वादित्य**नंतभट्टादयः**। वस्तुतस्तु पूर्वार्धं तथैव। अग्रिमस्यायमाशयः। तस्य तत्तुल्यत्वेऽपि अरण्यभावात्तत्सत्त्वेऽपि पत्नीसांन्निध्याभावात्पत्न्यै॥

अथ देहपरित्यागविधिः प्रसंगादुच्यते। तत्र ब्राह्मणस्यापि स्वयंदेहपरित्यागे विधिरधिकारिविशेषणं फलं च निरूप्यते। तत्र **ब्रह्मपुराणे**

१ सर्वेषामिति पाठांतरम्। २ इत ऊर्ध्वं ग्रंथस्त्रुटित इत्यनुमीयते।

"दुश्चिकित्स्यैर्महारोगैः पीडितस्तु पुमानपि । प्रविशेदनलं दीप्तं कुर्यादनशनं तथा ॥
"आगाधतोयराशिं वा भृगोः पतनमेव च । गच्छेन्महापथे वापि तुषारगिरिमादरात् ॥
"प्रयागवटशाखाग्रात्पतनं च करोति यः । स्वयं देहविनाशस्य काले प्राप्ते महामतिः ॥
"उत्तमान्प्राप्नुयाल्लोकान्नात्मघाती भवेत्क्वचित् । महापापक्षयात्स्वर्गे दिव्यान्भोगान्समश्नुते ॥
"एतेषामधिकारस्तु तपसां सर्वजंतुषु । नराणामथ नारीणां सर्ववर्णेषु सर्वदा" ॥ इति ।

अत्र यद्यपि यः कुर्यादित्यनुवादस्तथापि फलश्रवणादधिकारिनिरूपणाच्च विधिरुन्नीयते। दुश्चिकित्स्यव्याधिपीडायामपि यावद्यथाशक्ति चिकित्सया स्वधर्माचरणं संभवति तावदवस्थेय-मेवेति प्रतिपादयति स्वयमित्यर्द्धेन । अयं च कालविशेषः स्वबुध्यैव परीक्षणीयः । महामति-रित्यनेन विचारधैर्यवैराग्यादिमतैवेदं कर्तुं शक्यमित्युक्तं । यथोक्तः कालविशेषो न महापापिनां प्रायश्चित्तरूपयथोक्तमरणस्य फलमपेक्ष्यत इत्याशयेन तेषामेवंविधमरणफलं पृथगाह महापापे-त्यर्द्धेन। तथा चैवं विधिमरणेऽधिकारिविशेषणमसाध्यरोगित्वमहापापित्वे । तत्र च महारोगिणा-मुत्तमलोकप्राप्तिरेव मुख्यं फलं महापापिनां तु मरणस्य प्रायश्चित्तरूपतया पापक्षय एव मुख्यं फलम् । स्वर्गस्तु आनुषंगिकमिति विशेषः । ये तु **जाबालश्रुतौ** संन्यासिनामुक्ता मरणप्रकाराः "अयं विधिः परिव्राजकानां वीराध्वानेऽनाशकेऽपांप्रवेशेऽग्निप्रवेशे महाप्रस्थाने वे"त्यादिना तेऽपि महारोग्यादिविषया एव । निष्कमत्वमात्रं विशेषः । यत्तु **याज्ञवल्क्येन** अनाशनाग्निप्रवेशजल-प्रपतनोद्योगीत्यादिना संन्यासिनामनशनाद्युद्यमस्तामसत्वेन निंदितः स ध्यानादिरूपस्वधर्मानुष्ठाने संभवत्यपि कृतकृत्यत्वाभिमानादिनिमित्तकदेहत्यागादिविषय इत्यविरोध इति । सर्वजंतुष्वित्यनेन पश्वादीनामप्यधिकार उक्तः । मनुष्येष्ववांतरभावमाह नराणामित्यर्द्धेन । अत्र सर्वदेत्यनेन चाश्रमादिनियमोऽनग्न्यादिनियमश्चापाकृतः । यत्तु "भृग्वादिपतनमन्यत्र ब्राह्मणादिति" ब्राह्म-णस्य स्वयं मरणनिषेधकं वाक्यं तत्काम्यमरणविषयमेव उक्तमरणनिमित्ताऽभावे "न तु पुरायुषः स्वः कामी प्रेयादिति" श्रुत्येकवाक्यत्वात् । यानि च सामान्यान्यात्महत्यानिषेधकवाक्यानि तानि क्रोधादिदोषनिमित्तकमरणविषयाण्येव । यथा तत्रैव **ब्रह्मपुराणे**

"क्रोधात्प्रायां विषं वह्निं शस्त्रमुद्बंधनं जलम् । गिरिवृक्षप्रपातं च ये कुर्वंति नराधमाः ॥
"ब्रह्मदंडहता ये तु येऽन्तरा ब्राह्मणैर्हताः । महापातकिनो ये च पतितास्ते प्रकीर्तिताः"॥ इति।

अन्यथा

"यदाऽसौ नियमेऽकल्पो जरवाजातवेपथुः । आत्मन्यग्नीन्समारोप्य मच्चित्तोऽग्निं समाविशेत्"॥

इत्यादिभि**र्मनुयाज्ञवल्क्या**दिसकलस्मृतिषु वानप्रस्थानां स्वयं मरणविधिर्विरुध्येत । वान-प्रस्थाश्रमे ये च यन्मरणविधानं तदप्याश्रमांतरसाधारणं भवत्येव । ब्रह्मचार्याधिकारोक्ताध्ययन-वत् । तपोरूपत्वादेव तु तपःप्रधानाश्रमे विशेषतो विधानमिति मंतव्यं। एवं **व्यासेनापि** इंद्रिया-पगमशून्यानामेव स्वयं मरणमपसृत्युतयोक्तम् ।

"इन्द्रियैरपरित्यक्ता ये ये नृपविषादिन(?भि): । घातयंति स्वमात्मानं चंडालाभिहताश्च ये"॥

इत्यादिनेति तस्माद्ब्राह्मणस्य संन्यासिसाधारण्येनास्ति स्वयं देहत्यागाधिकारः ।

अन्या स्मृतिरपि

"धर्मार्जनासमर्थस्य कर्तुः पापांकितस्य च । ब्राह्मणस्याप्यनुज्ञातं तीर्थे प्राणविमोक्षणम् ॥" इति ।

देवलादिस्मृतिष्वपि "तीर्थे पुण्यतमे यथावद्देहसंन्यासाद्ब्राह्मणो महापातकान्मुच्यत" इति। **कौर्मे च** प्रायश्चित्तप्रकरणे

"ब्रह्महत्यां सुरापानं स्तेयं गुर्वंगनागमम्। कृत्वा तैश्चापि संसर्गं ब्राह्मणः कामकारतः॥
"कुर्यादनशनं विप्र पुण्यतीर्थे समाहितः। ज्वलंतं वा विशेदग्निं ध्यात्वा देवं कपर्दिनम्॥" इति।

गारुडे च

"ब्रह्महा द्वादशाब्दानि कुटीं कृत्वा वने वसेत्। कुर्यादनशनं वापि भृगोः पतनमेव वा॥
"ज्वलंतं वा विशेदग्निं जलं वा प्रविशेत्स्वयम्। ब्राह्मणार्थे गवार्थे च सद्यः प्राणान्परित्यजेत्॥" इति।

एवं पुराणान्तरेष्वपि। तस्मान्महारोगमहापातकनिमित्ताभ्यां जरयेन्द्रियवातादिनिमित्तकस्वधर्मात्यन्तलोपे च ब्राह्मणस्यास्ति देहत्याग इति सिद्धम्। अत एव **रामायणादौ** शरभंगादीनामाचारोऽपि दृश्यत इति गंगायां वर्णाश्रमाविशेषेण सामान्यतो मरणं **काशीखंडे** विहितम्। "जरारोगाभिपन्नं तु कुणपं जाह्नवीजले। धैर्येण तृणवत्त्यक्त्वा संविशेदमरावतीमिति"। तथा काशीं प्रकृत्य **मात्स्ये**

"अग्निप्रवेशं यः कुर्यादविमुक्ते ममालये। विशेन्मयि स्वयं सोऽपि निस्संदिग्धं वरानने॥
"अनशनं यः कुरुते मद्भक्तः कृतनिश्चयः। न तस्य पुनरावृत्तिः कल्पकोटिशतैरपि"॥ इति।

लैङ्गे च योगविस्तारानंतरमाह

"एवं ध्यानसमायुक्तः स्वदेहं यः परित्यजेत्। स याति शिवसायुज्यं समुद्धृत्य कुलत्रयम्॥
"अथवारिष्टमालोक्य मरणे समुपस्थिते। अविमुक्तेश्वरं गत्वा वाराणस्यां सुशोभनम्॥
"येनकेनापि वा देहं संत्यजन्मुच्यते नरः॥" इति। **भागवते** च

"गतस्वार्थमिमं देहं विरक्तो मुक्तबंधनः। अविज्ञातगतिर्जह्यात्स वै धीर उदाहृतः"॥ इति। तस्मान्महारोगे महापापे जरादिभिः स्वधर्मानुष्ठानासामर्थ्ये च अरिष्टादिभिः सन्निहितमरणनिश्चये च ब्राह्मणस्यापि अनशनादितपस्यधिकारोऽस्तीति। **महाभारते** च "रोगपापाद्यभावेऽपि ब्राह्मणस्यापि काम्यमनशनं विहित"मिति विशेषः। यथा ब्राह्मणक्षत्रियावधिकृत्य,

"अनार्तो व्याधिरहितो गच्छेदनशनं तु यः। पदे पदे यज्ञफलं स प्राप्नोति न संशयः॥
"आर्तो वा व्याधितो वाऽपि मच्छेदनशनं तु यः। शतवर्षसहस्राणां मोदते स दिवि प्रभो"॥इति

अनशनविधानेन तीर्थेऽत्र गमनं विवक्षितम्। एवं रोगपापाद्यभावेऽपि योगप्रवृत्तस्यारिष्टादिनाऽऽसन्नमरणज्ञाने स्वयं देहत्यागप्रकाराः **शिवपुराणे वायुसंहितायां** चोक्ताः। यथा

"यस्त्वासन्नां मृतिं मर्त्यो दृष्ट्वाऽरिष्टं च भूरिशः। स योगारंभनिरतः शिवक्षेत्रं समाश्रयेत्॥
"स तत्र निवसन्नेव यदि धीरमना नरः। प्राणान्वितोऽपि रोगाद्यैः स्वयमेव परित्यजेत्॥
"कृत्वाऽप्यनशनं वैधं हुत्वा वह्निं शिवानले। क्षिप्त्वा वा शिवतीरेषु स्वदेहमवगाहनात्॥
"शिवशास्त्रोक्तविधिवत्प्राणान्यस्तु परित्यजेत्। सद्य एव विमुच्येत नात्र कार्या विचारणा"॥इति।

ततश्च यथाकालमरणादपि शिवक्षेत्रवासिनां मुक्तिमुक्त्वा उक्तम्

"तथापि मरणं शस्तमुशन्त्यनशनादिभिः। शास्त्रविश्रंभधीरेण मनसा क्रियते यतः॥

"एतेष्वन्यतमोपायं कथमप्यवलम्ब्य वा । षडंगसिद्धिं विधिवत्काश्यां संस्थीयते यदि ॥

"यतीनामिव तस्येह न कुर्यादौर्ध्वदैहिकम् । नैवाऽऽशौचं प्रसज्येत न पुत्राणां विशेषतः॥

"अथैनमपि चोद्दिश्य कर्म चेत्कर्तुमीप्सितम् । कल्याणमेव कुर्वीत भक्त्या भक्तांश्च पूजयेत्" ॥

इति ... ... काश्यां प्रयागे च तुल्यार्थेऽपि प्रयागमरणं ब्राह्मणस्य कलिवर्ज्येषु परिगणितमिति न तत्र तस्याधिकार इति उक्तम् । अविमुक्ते त्वस्त्येवेत्यन्यत्र विस्तरः । एतयोरुभयोरभावाद्वा तदभावः । यद्वा तत्स्वदेशविषयमेव पूर्वदाहेनास्थिशरीरयोरेव नाशे ततो वृष्ट्याग्निनाशे मस्तकावशेषेऽपि तन्न । अशरीरकस्येति बहुव्रीहिद्वयं । अन्यथा पौनरुक्त्यं स्पष्टमेव । तथा च **यमः**

"यजमाने चितारूढे पात्रन्यासे तथा कृते । वर्षाद्यभिहते चाग्नौ ततः पृच्छामि याज्ञिकाः ॥

"शेषं लब्ध्वा च लब्धेन निर्मथं तत्र कारयेत् । शेषालाभे तथा कुर्याद्दग्धशेषस्य वा पुनः ॥

"अप्सु प्रास्यंति तं शेषमाग्नेयास्ताः स्मृता बुधैः" ॥ इति । शेषं अरण्यादिकाष्ठशेषं । लब्धेन तेनाग्न्युत्पादनसमर्थेन । निर्मथं कृत्वाऽग्निमुत्पाद्य तेन दहेत । अरण्यादिकाष्ठशेषालाभे दग्धशेषकाष्ठस्य तथा कृत्वा दहेत् । तस्याप्यभावेऽप्सु प्रक्षिपेदित्यर्थः । एवमनाहिताग्नेरपि तुल्यन्यायत्वात् । तदभावान्मन्थनाभाव इति मात्रं विशेष इति बोध्यम्[1]

तदेतदभिप्रेत्याह । **एवमित्यादिना** । निर्द्वेषु सत्सु पुनरिति वाक्यालंकारे । **नारायणेति** ।

"राजभिर्निहतानां च शृंगिदंष्ट्रिसरीसृपैः । आत्मनस्त्यागिनां चैव श्राद्धमेषां न कारयेत्॥"

इत्यादि । **तथा** तथैव । अत एवाह । **नान्यथेति** । **तस्मा**त्तत्करणेनौर्ध्वदैहिककरणे शुद्धेः संपादनात् । **अन्नं** श्राद्धं । **एवो**ऽप्यर्थे । तेनान्यसमुच्चयः । **वा** चार्थे । द्वितीयदिने शिवोद्देशेनापि पिंडदानसत्त्वात् । इदं च सकलवैष्णवोक्तप्रकारोपलक्षणं बोध्यम् । **नैतदिति** । एतदन्यथा न किं तु तथ्यमेवेत्यर्थः । प्राच्यग्रंथेषु तु शवं यावदिति पाठः । तदा विष्णुरूपं प्रेतं ध्यात्वेत्यर्थः । विष्णुबुद्धौ समालंब्येत्युक्तेः । प्रागभिसंहितं प्रकाशयति । **एवमिति** अग्रेऽस्यान्वयः । षट्त्रिंशद्भिः कृतं धर्मशास्त्रं **षट्त्रिंशन्मतम्** । अपिना **व्यासादि**समुच्चयः । फलितमाह । **एवं चेति** । एवेन पूर्वव्यवच्छेदः । एवं व्यवच्छेद्यं विशेषरूपं न तु सर्वमिति ध्वनयन्नाह । **अत्रेति** । पुनर्गृह्येत्येकपदं । पश्चात् गृहीत्वेत्यर्थः । **ततः** क्षालनोत्तरं । **पुनरिति** द्वितीयवारम् । अस्य तात्पर्यमाह । **संवत्सरादिति** । "पतिते च मृते शुद्धौ प्राजापत्यांस्तु षोडशेति" सामान्यत उक्तं । तदावृत्त्या आह । **द्विगुणादिकमिति** । **आयुषश्चेति** । चेन भक्तिसमुच्चयः । साऽपि करणे निमित्तं तावत्कालं पुत्रादेर्जीवनसंदेहादित्यर्थः । **गृह्यपरिशिष्टे**ऽप्युक्तम् । चांडालादित्याद्युक्त्वा ।

"न संस्कारविधिस्तेषां नैव कार्योदकक्रिया । रोदनं नैव कर्तव्यं सूतकं न च बंधुभिः ॥

"दग्ध्वा शरीरं प्रेतस्य संस्थाप्यास्थीनि यत्नतः । प्रायश्चित्तं तु कर्तव्यं पुत्रैश्चांद्रायणत्रयम्"॥ इति ।

स्मृतिरत्नावप्यादावप्युक्तम्

"आत्मनो घातशुद्ध्यर्थं चरेच्चांद्रायणद्वयम् । तप्तकृच्छ्रचतुष्कं वा त्रिंशत्कृच्छ्राणि वा पुनः ॥

"अर्वाक्संवत्सरात्कुर्याद्दहनादि यथोदितम् । कृष्णनारायणबलिमनित्यत्वात्तदायुषः ॥" इति ।

इदमेवादिग्रह्यामादौ । तत्प्रकारं स्फुटत्वायाहेति । **नारेति** । **इत्थं** वक्ष्यमाणप्रकारेण वैवस्वतं च

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१ अत्र शोधपत्रत्रयम् ।

यममित्येका देवता । **नद्या**मित्यस्य तात्पर्यमाह । **न पत्न्यादीति** । न योषितः । अहोरात्रमिति शेषः ॥ यज्ञावृता तत्प्रक्रियया । **अवनेजनं** जलसेचनं । **परिवारेति** यमविशेषणम् । **तन्मध्ये** शेषषष्ठ्या समासः । पत्रित्तर्भाणं (?) **यावत्** तत्समाप्तिपर्यंतम् । भाद्रपदशुक्लपंचम्या प्रारभ्य वर्षपर्यंतं प्रतिशुक्लपंचमि यथाक्रममनंतादिद्वादशनामभिर्नागपूजां विधाय यथाशक्ति ब्राह्मणान्भोजयित्वा प्रतिपंचम्युपवासं चतुर्थ्येकभक्तपूर्वकं पंचम्यां नक्तभोजनं कृत्वांऽते नागादिव्यासोद्देशेन ब्राह्मणाय दत्वौर्ध्वदेहिकं कुर्यादिति सर्वार्थः । एवं प्रकारमुक्त्वा तत्करणे मानमाह । **नारेति** । **वैष्णवे** विष्णुपुराणे । **एकेति** ।

"इंद्रियैरपरित्यक्ता ये च मूढा विवादिनः । घातयंति स्वमात्मानं चांडालादिहताश्च ये ॥

"तेषां पुत्राश्च पौत्राश्च दयया समभिप्लुताः । यथा श्राद्धं प्रतन्वंति विष्णुना वै प्रतिष्ठितम् ॥

"तत्सर्वं संप्रवक्ष्यामि नमस्कृत्य स्वयंभुवे" इत्यादि । अत्र सर्वत्रानुपूर्वी प्रागुक्तैव । क्वचित्पाठक्रमस्यान्यथात्वेऽपि "पाठक्रमादिति" **न्यायात्** । अन्यथा **समाहित इति** । समाहितानिति पाठांतरम् । **यथाज्येष्ठं** ज्येष्ठक्रमेण । **हविषेति** । हविष्येति पाठांतरम् । **एवो**ऽप्यर्थे । **आचम्य** आचम्य । तत्र विशेषमाह । **एकमिति** । **वृद्धतमं** । अन्यतममिति पाठांतरं । **तिलांभ इति** शाकम् । पार्थिवादिः । तदीयं **गोत्रं नाम** च बुध्यारूढं कृत्वा **विष्णुमते** तदभिमते ।

सर्पहतोक्तविशेषे मानमाह । **सर्पदंशनिमित्तमिति** । बहुव्रीहिः । विधेरदर्शनादाह । **परकृतिरूपेणेति** । तथा च तेन विधिः कल्प इति भावः । **सुवर्णभारेति** ।

"नागदष्टः पिता यस्य भ्राता वा दुहिताऽथ वा । मातापुत्रोऽथ भर्त्ता वा कर्तव्यं तद्वदस्व मे ॥" इत्यादिः अस्यादिः । "तुलास्त्रियां पलशतं भारः स्याद्विंशतिस्तुला" **इत्यमरः** (२।९।८७) । सुवर्णतारेति पाठांतरम् । तदा **तार**मुत्तमं च तत्सुवर्णं चेति कर्मधारये राजदंतादित्वं कल्प्यम् । यद्वा तारं रौप्यं द्वंद्वं कृत्वेत्त्यस्य व्यासाय दत्वेत्यत्रान्वयः । **तथैव गामित्यस्यापि** गामेव चेत्यर्थकस्य । **एवेन** प्रत्यक्षत्वसूचकेनेतरनिरासः । 'आप्तवानितीति' पाठः । यद्यपि **वैष्णवा**दात्मघातिनामेव नारायणबलिरायाति तथापि निमित्तमात्रस्य संवत्सरादूर्ध्वमौर्ध्वदैहिकस्य विधायकं**षट्त्रिंशन्मता**त्तदर्हता संपादनार्थं प्रायश्चित्तार्हाणां ब्रह्महादीनामपि सः । तथा च **बौधायनसूत्रम्** । (३।२१।१–२२) "अथातो नारायणबलिं (संस्कारविधिं) व्याख्यास्यामः

"चंडालादुदकात्सर्पाद्ब्राह्मणाद्वैद्युतादपि । दंष्ट्रिभ्यश्च पशुभ्यश्च मरणं पापकर्मिणाम् ॥

विषशस्त्ररज्जुपाषाणदेशांतरमृते वाऽभिशस्तसुरापात्मत्यागिनां ब्राह्मणहतानामन्येषां च द्वादशवर्षाणि त्रीणि वा यत्र मरणं यस्य यस्य तत्र कुर्वीत । असंहितानां पालाशाग्रमेवासूयवर्णसुरणां कृष्णाजिने पुरुषाकृतिं कृत्वा होतारकल्पेन वा पैतृमेधेन वा संस्कारं कुर्यात् । अथ प्रयोगमंत्रानपोद्धृत्य पुरुषसूक्तस्य प्रत्यृचं तत्तन्मन्त्राणां स्थाने पृथक्प्रयोगो भवत्यपि वा तूष्णीं सर्वं क्रियेत । याम्यसूक्तेनोपोषणं पौरूषेणोपस्थानं समानमत ऊर्ध्वम् । तीर्थे स्नात्वा प्रेतायोदकक्रियां कृत्वा नामगोत्रमनसा ब्रूते 'नारायणैतत्ते उदकमिति' वाचाभिव्याहरेत् । स एवमेव सायंप्रातर्दशरात्रं करोति त्रिरात्रं वा करोति त्रिरात्रेण वा पिंडप्रदानेऽसावेतत्ते पिंडम् इति विशेषः ।

एकादश्यामेकोद्दिष्टम् । "एवं प्रेतायामुष्मै यमाय च स्वाहेति" अग्नौकरणे वा प्रतिग्रहणे प्रदाने विसर्जने च "नारायणाये"त्यनेन मंत्रेण करोति । सर्वं मनसा संकल्पयेद्वाचाऽभिव्याहरेत् । पर्वत्रये च षाण्मासिके च समानम् । संवत्सरे सपिंडीकरणम् ।

"सपिंडीकरणस्थाने नारायणबलिक्रिया । सायंप्रातर्न विद्यते सोयं बौधायनमतं यथा ॥

"द्वयोरयनसंक्रान्त्योः पुण्येषु दिवसेषु वा । अथवाऽपरपक्षस्य क्रिया भवेत् । सपिंडीकरणमेतेषामन्येषां च समानम् । प्रेतपात्रं पितृपात्रे वा असिंचेत् । प्रेतपिंडं निनयेत् । त्रिषु पितृपिंडेषु निदध्यात् । असौ पितृभिः पितामहैः प्रपितामहैः संगच्छध्वं भूर्भुवः स्वरोम् । इति व्याख्यातो नारायणबलिः " । **अथातो नारायणबलिं व्याख्यास्यामो** (३।२०) "दक्षिणोत्तरायणयोरपरपक्षस्य द्वादश्यां क्रियेत । पूर्वेद्युर्द्वादशषड्वा ब्राह्मणान्निमंत्रयेत् । योनिगोत्रश्रुतवृत्तसंपन्नान् । अथाऽपरेद्युर्देवगृहे नदीतीरे वाऽग्निमुपसमाधाय संपरिस्तीर्य आप्रणीताभ्यः कृत्वोपोत्थायाग्रेणाग्निं दैवतमावाहयति पुरुषसूक्ते द्वे ऋचौ जपित्वा व्याहृतिभिर्देवतामावाहयति । अथैनं स्नापयति पुरुषसूक्तेन अथैनं गंधपुष्पधूपदीपैरष्टाक्षरेणार्चयित्वाऽथाद्भिस्तर्पयति केशवं तर्पयामीति द्वादशनामभिः । परिधानप्रभृत्याग्निमुखात् कृत्वा पक्कात् जुहोति "विष्णोर्नुकमिति" पुरोनुवाक्यमनूच्य "परोमात्रयेति" याज्यया जुहोति । अथाज्याहुतीरुपजुहोति "केशवाय स्वाहे"त्यैतैरेव नामधेयैः । अथ गुडपायसघृतमिश्रमन्नं निवेदयति "देवस्य त्वा सवितुः प्रसवेऽश्विनोर्बाहुभ्यां पूष्णो हस्ताभ्यां विष्णवे महापुरुषाय हविर्निवेदयामीति" सप्तव्याहृतीभिः स्वाहाकारेण जुहोति । व्याहृतिभिराचमनम् । अथ ब्राह्मणानाहूय सदर्भोपक्लृप्तेष्वासनेषूपवेश्याथैनान्वस्त्रगंधपुष्पधूपदीपमाल्यैरभ्यर्च्य आभ्यनुज्ञातास्तिलमिश्रं हविः समुदायुत्य हस्ते जुहोति "पितृभ्यः स्वधा नमो नारायणाय स्वाहा पितामहेभ्यः स्वधा नमो नारायणाय स्वाहा प्रपितामहेभ्यः स्वधा नमो नारायणाय स्वाहे"त्यादि मंत्रमूह्य "सर्वाभ्यः स्वधा नमो नारायणाय स्वाहा । अग्नये कव्यवाहनाय स्विष्टकृते स्वधा नमो नारायणाय स्वाहा" इत्यथ ब्राह्मणानन्नेन परितोष्य आचम्य तेषां यथाशक्ति दक्षिणां ददाति । प्रदक्षिणीकृत्य शेषमनुज्ञाप्य दक्षिणेनाग्निं प्रागग्रान्दर्भान्संस्तीर्य तेषु बलिं ददाति "विश्वेभ्यो देवेभ्यो नमः । साध्येभ्यो देवेभ्यो नमः । सर्वेभ्यो नमः । सर्वाभ्यो देवताभ्यो नमो विष्णवे नमः । नारायणाय नमः । सहस्रशीर्षाय नमः । यज्ञात्मने नमो यज्ञपुरुषाय नमो विश्वात्मने नमः सर्वात्मने नमः । सर्वेश्वराय नमः इति । स्विष्टकृत्प्रभृतिसिद्धमाधेन वरप्रदानात् सर्वान्पितॄनधिगच्छति ब्रह्मलोके महीयत इत्याह भगवान्बौधायन इति" । यद्यप्युक्तवाक्यपर्यालोचनयौर्ध्वदेहिकयोग्यतासंपादने नारायणबलेरेव निरपेक्षसाधनता प्रतीयते तथापि जलाग्न्युद्बंधनभ्रष्टाः प्रव्रज्यानाशकच्युता इत्यादिमवाक्ये विषप्रपतनप्रायशस्त्रघातहताश्च य इति पाठानुसारादात्मघातिनां तावत्तेष्वमृतेष्वपि आत्मघातनिमित्तं प्रायश्चित्तमपि तत्पुत्रादिभिः कार्यं । तच्च व्याख्यानपर्यालोचनयाऽत्रैव चांद्रायणेन शुद्ध्यंति तप्तकृच्छ्रद्वयेन वेति पाठाच्छक्त्याद्यपेक्षया चांद्रायणं तप्तकृच्छ्रद्वयं वा । अत एव

"कृत्वा चांद्रायणं पूर्वं क्रिया कार्या यथाविधि । नारायणबलिः कार्यो लोकगर्हाभयान्नरैः ॥

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१ ख-विषय ।

"अन्नमिष्टं प्रियं चैव विप्रे दद्यात्सदक्षिणम्। पिंडोदकक्रिया पश्चाद्वृषोत्सर्गादिकं च यत्॥

"एकोद्दिष्टानि कुर्वीत सपिंडीकरणं न चेत्" **हेमाद्रावुक्तम्**। तत् **षट्त्रिंशन्मत-वाक्येऽपि** केवलं चांद्रायणमुक्तम्। **स्मृत्यर्थसारादौ** तु द्वयेन चेति पठित्वा समुच्चितमुक्तम्। **गृह्यकारिकायां** तु

"प्रमादादपि निःशंकस्त्वेकस्माद्विधिचोदितः। शृंगिदंष्ट्रिनखिव्यालविषविद्युज्जलादिभिः॥

"चांडालैर्ब्राह्मणैश्चौरैर्निहतो यत्रकुत्रचित्। चांद्रायणं तदा कृच्छ्रद्वयं तस्य विशुद्धये॥

"षट्कृच्छ्राण्यं च दश कृत्वा तु विधिना दहेदि"त्याद्युक्त्वा "बुद्धिपूर्वमृतानां तु त्रिंशत्कृच्छ्रं समाचरेत्" इत्युक्तम्। मृत्युविशेषाच्च प्रायश्चित्तविशेषोऽप्युक्तः। इदं चात्मघातप्रायश्चित्तं तत्तज्जातिवधप्रायश्चित्तसमुच्चितं कार्यम्। ब्रह्महादीनां च प्रायश्चित्तार्हाणां तत्तत्पापक्षयार्थं तत्तद्योग्यप्रायश्चित्तं कृत्वा नारायणबलिः कार्य इति **मदनपारिजातस्मृत्यर्थसारादावुक्तम्**। सर्वत्र प्रमाणं मृग्यम्। पुत्रादिकर्तृकप्रायश्चित्तेन तत्पापक्षयस्य वचनं विना असंभवात्। सत्यपि च पापे नारायणबलिमात्रेण वचनात्तद्योग्यताऽस्तु। अत एव **माधवेन** "जलाग्निपतने चैव प्रव्रज्यानाशकेषु च"इत्यादि **पराशर**वाक्ये मर्तुमध्यग्यजीवितानामेवेदं प्रायश्चित्तं न तु मृतानां तत्कर्तुरेवाभावादित्युक्तम्। तत्र "शस्त्रघातहताश्च ये" इति वाक्यादात्मघातप्रायश्चित्तं मृतेष्वप्यस्तु। जातिवधपाखंडित्वादिनिमित्तं तु वचनं विनाकथं स्यादिति केचित्। वचनानि प्रागुक्तान्येवेति। तदुक्तमेवेति परे। इदमपि सर्वं प्रागुक्तं। प्रायश्चित्तार्हाणामेव तदनर्हाणां तु ब्राह्मे प्रकारान्तरमुक्तम्।

"पतितस्य तु कारुण्याद्यस्तृप्तिं कर्तुमिच्छति। स हि दासीं समाहूय सर्वगोदत्तवेतनाम्॥
"अशुद्धघटहस्तां तां यथावृत्तं ब्रवीत्यपि। हे दासि गच्छ मूल्येन तिलानानय सत्वरम्॥
"तोयपूर्णं घटं चेमं सतिलं दक्षिणामुखी। उपविश्य तु वामेन चरणेन ततः क्षिप॥
"कीर्तयेः पातकीं संज्ञां त्वं पिबेति मुहुर्वद। निशम्य तस्य वाक्यं सा लब्धमूल्या करोति तत्॥
"एवंकृते भवेत्तृप्तिः पतितानां न चान्यथा"। इति येषां मध्यौर्ध्वदेहिकं कार्यं तेषामपि सपिंडीकरणं न।

"गोब्राह्मणहतानां च पतितानां तथैव च। व्युत्क्रमाच्च प्रमीतानां नैव कार्या सपिंडता॥"

इत्युक्तेः।

"ब्राह्मणादिहते ताते पतिते संगवर्जिते। व्युत्क्रमाच्च मृते देयं येभ्य एव ददात्यसौ"॥ इति। श्राद्धविधेश्च। एवं च पतितानां नारायणबल्यादेर्नित्यत्वेन "ब्राह्मणादिहते" इत्यत्र पतितग्रहणस्य प्रायश्चित्तानर्हविषयत्वेन कथंचित्संभवेऽपि ब्राह्मणहतादिग्रहणस्यासंभवेनोपपत्तेः प्रेताभ्युदयकामनाप्रयुक्तत्वेन यत्तस्य पाक्षिकत्वं कैश्चिदुक्तं तन्नादर्तव्यं। लोकगर्हेति विशेषणेन नित्यत्वावगमाच्च। नष्टायां फलेच्छायां प्राप्ते वा फले प्रारब्धसमाप्तेरावश्यकत्वं गर्हापरिहारार्थत्वेनैवोक्तं न्यायविद्भिः। अत एव संवत्सरात्प्रागपि तत्कार्यमिति विशेषः प्रागुक्तः। **हेमाद्र्यादौ** तु प्रागुक्त**षट्त्रिंशन्मत**बलात्पतितादीनां सपिंडीकरणमपि निषेधस्तु पित्रादिभिन्नविषय इत्युक्तम्। तन्मते ब्राह्मणादीति वाक्यबलात्तदौर्ध्वदेहिकानुष्ठानस्य पाक्षिकत्वं वत्सरादर्वाक् क्रियमाणवृद्धि-

श्राद्धादिविषयत्वं वा तस्याश्रयणीयं स्यात्। यदपि **तेनोक्तं** गोब्राह्मणहतपतितानामेव संवत्सरादूर्ध्वं नारायणबल्यादि अन्येषां त्वर्वागिति तदपि न **षट्त्रिंशन्मतस्य** पतितग्रहणस्य ब्राह्मपरिभाषितपतितपरत्वात्। ब्राह्मणवसिष्ठ**न्यायेन** गोब्राह्मणहतानां पृथगुक्तेरिति दिक् ॥ ६ ॥

याज्ञवल्कीये ७ श्लोकः।

व्यवहितसंगतिमाह। **एवमिति**। तत्र बीजमाह। **साप्रवादमिति**। तत्रेवादावाकांक्षोदयादिति भावः। **अनन्तरं** उदकदानात्। प्रेतपरत्वनिरासायाह। **कृतमिति**। उदकशब्दो लाक्षणिक इत्याह। **दानमिति**। अन्यथा पाठक्रमे यथार्थक्रमादाह। **स्नातानिति**। पुनः स्नातानित्यर्थः। समर्थमाह। **सम्यगिति**। अनेन वस्त्रपरिवर्तनादिकमपि सूचितम्। "शाद्वं बालघासयोः। शाद्वलः शादहरिते" इति **कोशादाह**। **नवोद्गतेति**। इदं मृदुत्वलब्धं। अन्यार्थनिरासायाह। **सम्यगिति**। दिवामरणे नक्षत्रोदयपर्यंतं रात्रिमरणे सूर्योदयपर्यंतं स्थितानित्यर्थः। अनेन वस्त्रशोषणप्रावरणादिकमपि सूचितम्। तानित्यस्यार्थः **पुत्रेति**। योग्यतयाऽऽह। **कुलेति**। **वक्ष्यमाणैरपवदेयुरिति**। अपगतदुःखान्कुर्युरित्यर्थः ॥ ७ ॥

याज्ञवल्कीये ८ श्लोकः।

तदेवाह। **शोकेति**। न्यूनतानिरासायाह **मनुष्येति**। आदि**ना** स्वेदजोद्भिज्जपरिग्रहः। **भूतजातं** प्राणिसंघरूपं। सप्तम्यर्थमाह। **तत्रेति**। तस्मिन्संसार इत्यर्थः। अस्य विशेषणद्वयमाह। **संसरणेति**। धर्मत्वेनेति पाठः। अनिजंतमेतत्। संदिग्धसाध्यधर्मेतिवत्। **संसारः** प्रपंचः। तात्पर्यार्थमाह। **तस्मादिति** ॥ ८ ॥

याज्ञवल्कीये ९ श्लोकः।

किंचेति अन्यदप्याहेत्यर्थः। एवमग्रेऽपि। कर्मभिरित्यस्य संभृतत्वेऽन्वय इत्याह। **जन्मान्तरेति**। तत्र यानि स्वीयशरीराणि तज्जनितैः कर्मरूपबीजैस्त्वित्यर्थः। स्वकर्मप्रकारमिति क्रियाविशेषणम्। काय इत्यस्यास्तीति शेषः। वाक्यभेदात्तस्य प्रतिपाद्यत्वेन सिद्धवदनुवादासंभवात्। अत एवाह। **स यदीति**। तत्र सूचितमनुक्तं बीजमाह। **फलोपेति**। **पुनः** पश्चात्।

तत्र विषये। आत्मा तु नित्य एवेति भावः। क्वेत्यस्यार्थः **किमर्थेति**। **परीति** प्रलाप इत्यर्थः। शोक इति यावत्। प्राग्वदाह। **निरिति**। तत्त्वमेवाह। **वस्तुन** इति। वस्तुनः पदार्थस्य तथात्वान्नश्वरत्वादित्यर्थः। तदेवाह। **न हीति** ॥ ९ ॥

मि. पृ. १६८

याज्ञवल्कीये १० श्लोकः।

किं चेत्यस्यैवार्थोऽपि चेति। अनेन किंचेति न पठितमिति सूचितमिति परे। **नामेति** निश्चये। इदं मरणमाश्चर्यं न वसुमती ग्रहणमुपलक्षणमित्याह। **पृथिव्यादीनीति**। 'गंत्रीत्ति'-त्रिजंतप्रकृतिकमित्याह। **गच्छतीति**। उदधिरिति जातावेकवचनमित्याह। **तथेति**। पूर्वतो विशेषमाह। **जरामरणेति**। तत्वेन प्रसिद्धा इत्यर्थः। **चार्थोऽपीति**. **कथमित्यस्य** न

यास्यतीत्यत्रान्वयः । अपि तु सर्वथैव यास्यतीत्यर्थः । 'प्रख्या'शब्दः सादृश्यार्थक इत्याह । **सन्निभेति** । मर्त्येति सूचितमाह । **मरणेति** । प्राग्वल्लक्ष्यार्थमाह । **भूतेति** । कथमिवेति सूचितमाहोचितमेवेति । हि यतः । **प्रापणं** गमनम् । प्राग्वदाह । **अत इति** । **समेति** अभिविश इत्यर्थः ॥ १० ॥

याज्ञवल्कीये ११ श्लोकः ।

अनुशोचनं रोदनं । यत इत्यस्यार्थो **यस्मादिति** । **वदनेति** यथासंख्यमन्वयः । मुक्तमित्यंतर्भावितण्यर्थमित्याह । **निर्गतमिति** । निर्गलितमिति । पाठो अत्राऽपि । तथा '**श्लेष्मेति**' समाहारद्वंद्व इत्याह । **श्लेष्मेति** । अवशः इत्यस्यार्थोऽ**कामोपीति** । अत **इत्यस्याशयार्थस्तस्मादिति** । ह्यर्थमाह । **किंत्विति** । इत्यर्थः ॥ ११ ॥

याज्ञवल्कीये १२।१३ श्लोकौ ।

एवमिति योग्यत्वात्कर्माह । **कुलेति** । संश्रवणं न गमने हेतुरित्यतोऽध्याहारेणाऽऽह । **त्यक्तेति**। **बालानिति** । तान्सर्वान्यथाक्रममग्रतः कृत्वेत्यर्थः । **गृहमिति** । मृतस्येति शेषः । **द्वारि** । द्वार्येव । योग्यत्वादाह । **स्थित्वेति** । विदिश्येति । प्राग्वदित्याह । **दशनैरिति** । **खंडेति** । **न** तु भक्षयित्वेत्यर्थः । ततस्तत्केतिशेषः । **अलभ्य** संस्पृश्य । शंखोक्तिमाह । **दूर्वेति** । प्रवालशब्दार्थः **अंकुरेति**। **अपिना** तैलयवाद्यक्षतादिसमुच्चयः । **अश्मनि** द्वारपाषाणे । **पदमेकं** पादं । 'कृत्वे'त्यस्यार्थो **निधायेति** । न तु तमुल्लंघ्येति भावः । **प्रविशेयुरिति** । बालपुरःसरा एवेति भावः । **आश्वलायनो**ऽपि (४।४।१०-१३) "आसत आनक्षत्रदर्शनात् । आदित्यस्य वा दृश्यमाने प्रविशेयुः । कनिष्ठप्रथमा ज्येष्ठजघन्याः । प्राप्यागारमश्मानमग्निं गोमयमक्षतांस्तिलानप उपस्पृशंतीति" । अवधिद्वयव्यवस्थोक्ता **पारस्करेण** (३।१०।३५-३६) । "प्रेतस्पर्शिनो न ग्रामं प्रविशेयु रा नक्षत्रदर्शनात् । रात्रौ चेददतीतस्य" इति । **हारीतेन** तु बहिःस्थित्यसंभवेऽनुकल्प उक्तः । "ब्राह्मणानुमत्या चेति" । **आश्वलायनो**क्ताश्मस्पर्शश्च पादनिधानरूपय एव एकमूलकल्पनालाघवात् । **पारस्करे**ऽपि (३।१०।२४) । "निवेशनद्वारे पिचुमन्दपत्राणि विदश्याऽऽचम्योदकमग्निं गोमयं गौरसर्षपां तैलमालभ्याऽश्मानमाक्रम्य प्रविशंतीति"। **वैजवापेन** तु केषांचिदालम्भे मंत्राप्युक्ताः । शमीमालभते "शमीपापं शमयत्विति" अश्मानमालभते "अश्मवत्स्थिरो भूयासमिति" अग्निम् । "अग्निर्नः शर्मयच्छत्विति" । "यस्तु विप्रः शुध्यतीति" **मनूक्तो** (५।९८) वार्यादिस्पर्शः स आशौचोत्तरदिने शुध्यतीत्युक्तेः । एवं चाशौचांत्यदिनकर्त्तव्यमधोयद्दाहनादित्यंशलिखनं **वाचस्पत्यादेस्त**द्भ्रांतिमूलकं आशौचांत्यदिनेऽपि **स्नानोत्तरं** गोहिरण्यादिस्पर्शो बोध्यः ॥ १२ ॥ १३ ॥

याज्ञवल्कीये १४ श्लोकः ।

अतिदेशमाहेति । अव्यवहितोक्तस्येत्यादिः । अस्यातीति क्वचित्पाठ एव । **तदेवाह** । **यदेतदिति** । अर्थार्थमाह । **तत्र केवलमिति** । परेषामित्यस्य पूर्वत्राप्यन्वय इत्याह । **परेषामपीति** । अ[illegible]दीनामपीत्यर्थः । प्रसक्तिबीजमाह । **धर्मेति** । प्रेतेत्यादार्थमाह । **प्रेतेति**। **संस्पर्शेति** । प्रसिद्ध इत्याह । **निर्हरेति** । तदप्युपलक्षणमिति भावः । अस्य सिद्धत्वेन विधेयत्वादाह ।

भवतीति । अत एवातथैवावतारितम् । नन्वेवं विवरणविव्रीयमाणयोर्विरोधस्तत्क्रमवैपरीत्यादत आह। **प्रवेशनेति** । **अमांगलिकत्वात्** । मंगलरूपकर्मभिन्नकर्मसंग्राहकत्वात् । द्वितीयवाक्यार्थमाह। **तेषां चेति**। परेषामित्यर्थः। प्रेतेत्यादेरत्राप्यन्वय इत्याह। **धर्मेति**। शुद्धिरिति न पाप इत्याह। **शुद्धिमिति**। **स्नानेति**। सर्वं वाक्यमिति **न्यायेनाह**। **एवेति**। अर्थादाह। **शुद्धिरिति**। भवतीति शेषः। **अनाथमित्यनेन** धर्मार्थैरेवं प्रवृत्तिः सूचिता। यज्ञश्चात्र प्राथम्यादग्निष्टोम एव।अत एवाऽऽ**नुपूर्वमिति** सफलम् । अयं चार्थवादः। **अशुभम्** । अनिष्टं । तत्र हेतुगर्भं विशेषणं **शुभेति** । अत्रावगाहनं प्राणायामस्याप्युपलक्षणं । तेन च सति संभवे नद्यादिस्नानं सूचितम् । मौलमुभयमग्निस्पर्शस्याप्युपलक्षणम् । तथा च **पराशर** एव

"असगोत्रमबंधुं च प्रेतीभूतं द्विजोत्तमम् । वहित्वा च दहित्वा च प्राणायामेन शुध्यति ॥" इति ।

अंगिरा अपि

"यः कश्चिन्निर्हवेत्प्रेतमसपिंडः कथंचन । स्नात्वा सचैलः स्पृष्ट्वाऽग्निं तस्मिन्नेवाह्नि वै शुचिः॥" इति । अत्र ब्राह्मणस्य द्विजोत्तमस्य च ग्रहणमुपलक्षणम् । "मृतं द्विजं न शूद्रेण हारयेन्न शूद्रं द्विजेनेति" **विष्णुस्मृतौ** । शूद्रमात्रस्य कर्तृत्वेन कर्मत्वेन च निषेधात् । धर्मार्थमित्युक्तेः फलमाह । **स्नेहादिनेति** । बंधुवत्स्नेहादिना धर्मेण न तु मूल्येनेति तु **मेधातिथिः** । **मातुराप्तान्बांधवांश्चेत्येकं** निमित्तम् । आप्तग्रहणं प्रत्यासन्नबांधवमातुलादिग्रहणार्थम् ।

मि. पृ. १६९

अत एवासपिंडोऽसमानोदको न सर्वः सपिंडादन्यः । **अन्नमिति** सिद्धमसिद्धं वेत्यर्थः । **गृहे चेति** । चोऽन्वाचये । तथा च वासे सत्यसति वाऽसनेन दशाहमित्यर्थः । अत एव तथैव वचने उक्तम् । केवलमित्यस्य व्यावर्त्यमाह । न **पुनरिति** । एवमग्रेऽपि । **न चाश्नातीति** तत् ग्रामे वसति चेत्यपि बोध्यम् । अत एव "ग्रामान्तरवासिनः प्रतस्पृशो ग्रामं न विशेयुरानक्षत्रदर्शनाद्रात्रौ चेदादित्यस्येति" **हारीतेन** 'सज्योतिरि'त्युक्तम् । भृतिग्रहणेन सवर्णाशवनिर्हरणे तु तदन्नभोजनाद्यभावेऽपि तज्जात्याशौचम् ।

"यदि निर्हरति प्रेतं प्रलोभाक्रांतमानसः । दशाहेन द्विजः शुध्येत् द्वादशाहेन भूमिपः ॥

"अर्धमासेन वैश्यस्तु शूद्रो मासेन शुध्यति" । इति **कौर्मात्** । विशेषमाह । एतत्सजातीये **अवर इति** । हीनवर्णे उत्कृष्टम् । उत्कृष्टश्च हीनवर्णे निर्हरणीयाशौचादिनैः शुद्धिरित्यर्थस्तदाह । **विप्रस्येति** । एवंप्रकारेण **ब्राह्मे**ऽप्युक्तम्

"ब्राह्मणस्त्वन्यवर्णानां न करोति कदाचन । कामान्मोहाद्भयाल्लोभात्कृत्वा तज्जातितां व्रजेत् ॥

"पुत्राः कुर्वंति विप्रस्य क्षत्रविट्शूद्रयोनयः । स तादृशेभ्यः पुत्रेभ्यो न करोति कदाचन ॥

"राज्ञि मृतेऽसपिंडे तु निरपत्ये पुरोहितः । मंत्री वा तदशौचं तु चीर्त्वा पश्चात्करोति सः॥" इति। अनपत्येऽविद्यमानसपिंडे च राजनि मृते स पुरोहितस्तत्प्रयुक्ताशौचं चीर्त्वा तस्मै राज्ञे श्राद्धं कुर्यादित्यर्थः । भृत्यासवर्णनिर्हारे तु एतत् द्विगुणम् । "अवरश्चेद्वरंचरो वाऽथ वरं यदि वहेच्छते तदा गौ च दृष्ट्वाथे द्विगुणं भवेदिति" **व्याघ्रपादोक्तेः** । यद्वा त्वलंकरणमपि करोति तदा

"कृच्छ्रपादोऽसपिंडस्य प्रेतालंकरणे कृते । अज्ञानादुपवासः स्यादशक्तौ स्नानमिष्यते" ॥ इति

शंखोक्तं प्रायश्चित्तं च कार्यम् । शवसंस्पर्शनिमित्तं त्वाशौचं स्पर्शवत एव । तत्तद्भावादेस्तत्तद्द्रव्यादेश्च । तथा **चांगिराः**

"अशौचं यस्य संसर्गादापतेत् गृहमेधिनः । क्रियास्तस्य न लुप्यन्ते गृह्याणां च न तद्भवेत्॥" इति। क्रियाः वैतानोपासनाद्याः । गृह्याणां गृहे भवानां । अतिक्रांताशौचेऽप्येवमेव ।

"अतिक्रांते दशाहे तु पश्चाज्जानाति चेद्गृही । त्रिरात्रं सूतकं तस्य न तद्द्रव्यस्य कर्हिचित् ॥" इति **स्मृतेः** । इदं च मातापितृभिन्नविषयमित्याद्यग्रे स्फुटीभविष्यति ॥ १४ ॥

याज्ञवल्कीये १५ श्लोकः ।

निर्हृत्यापीति । इदं च सकलदाहाद्यौर्ध्वदेहिकस्याप्युपलक्षणम् । "व्रत्येवे"त्यस्य तात्पर्यार्थमाह । **न पुनरिति** । ब्रह्मतेत्यर्थः । तथा च लुप्तव्रतसंधानार्थं पुनरुपनयनं प्रत्यवायपरिहारार्थं प्रायश्चित्तं च न कार्यम् । आशौचं तु निर्हरणनिमित्तं प्रागुक्तव्यवसायं कार्यमेवेति भावः । **मनुदेवलावपि** (५-९०)

"आचार्यं स्वमुपाध्यायं पितरं मातरं गुरुम् । निर्हृत्य तु व्रती प्रेतव्रते **न** वियुज्यते" ॥ इति । **कटशब्देनेति** । प्रागुक्तार्थकेनेत्यर्थः । **तत्सह** सब्रह्मचारी । **कटान्नमाशौचान्नमिति** । **मदनपारिजातकृत्** तात्पर्यार्थमाह । **एवमिति** । **व्रतलोप इति** । तथा च भ्रष्टब्रह्मचर्यसंधानार्थं पुनरुपनयनं प्रत्यवायपरिहारार्थं प्रायश्चित्तमाशौचं च कार्यमेवेति भावः । **शवेति** तत्संबंधि कर्म कुर्वत इत्यर्थः । **देवलोऽपि** :

"ब्रह्मचारी न कुर्वीत शववाहादिकाः क्रियाः । यदि कुर्याच्चरेत्कृच्छ्रं पुनःसंस्कारमेव च ॥" इति । अत्रादिनाऽलंकरणादिकमेव न तु दाहादि । तत्र गुरुप्रायश्चित्तस्य वक्ष्यमाणत्वात् । द्वंद्वांते श्रूयमाणस्य प्रत्येकं संबंधादाह । **क्रीतमिति** ॥ १५ ॥

याज्ञवल्कीये १६ श्लोकः ।

अस्यासिद्धत्वेनानुवादासंभवादाह । **भवेयुरिति** । **शेष इति** । क्रीतं यथा लब्धं वा । "एकान्नमेव भोक्तव्यं क्रीत्वा लब्ध्वा वान्यगृहादेकान्नमलवणमेकां रात्रिं भुंजीरन्निति" **वैजवापात्** । आशौचमध्ये भोजनं च ज्ञातिभिः सह कार्यम् । "आशौचमध्ये यत्नेन भोजयेच्च स्वगोत्रजान् " इति **ब्राह्मात्** ।

"तिलान्ददत पानीयं दीपं ददत जाग्रत । ज्ञातिभिः सह भोक्तव्यमेतत्प्रेतेषु दुर्लभम्॥" इति **भारतीयाच्च** । **मरीचिना** तु दिनविशेषेषु सहभोजनमुक्तम्

"प्रथमेऽह्नि तृतीये च सप्तमे नवमे तथा । ज्ञातिभिः सह भोक्तव्यमेतत्प्रेतेषु दुर्लभम्" ॥ इति । तच्च दिवैव कार्यम् । "दिवा चैव हि भोक्तव्यममांसं मनुजर्षभ" इति **वैष्णवात्** । भोजनपात्राणि चोक्तानि **हारीतेन** "पाणिषु मृण्मयेषु पर्णपुटेषु चाश्नीरन्निति" । अन्नविशेषनिषेधश्च **गृह्यकारिकायाम्**

"लवणक्षीरमाषान्नापूपमांसानि पायसं । वर्जयेदाहृतान्नेषु बालवृद्धातुरैर्विना" ॥ इति ।

एते धर्मा अन्यत्रोक्ता बोध्याः । एषु धर्मेष्वनुक्तकालविशेषाणामवधित्रयं वैकल्पिकमुक्तं

बोध्यम् । त्र्यहमिति । अनेन दिनत्रयपर्यंतं अयं नियम इति सूचितम् । गृह्यकारोऽप्येवम् । **तृणमय इति** । अतः कटादिरित्यर्थः । यद्यपि अनशनं नैवोक्तमिति स्मृत्यन्तरारोधाय मौलपक्षस्यैव प्राधान्यमभिप्रेत्य व्याख्यात्रा अनशनस्य गौणत्वमुक्तम् तथापि तथा स्पष्ट**वसिष्ठानुरोधेन** वैपरीत्यमुचितभेदेन शक्ताशक्ते च व्यवस्था । अत एवाश्व**लायनो**ऽपि (४।४।१४–१५) 'नैतस्यां रात्र्यामन्नं पचेरन् । क्रीतोत्पन्नेन वा वर्त्तेरन्निति" बोध्यम् । **अक्षारेति** अक्षारलवणोभयकान्नाका इत्यर्थः । अत्र क्षितावित्युक्तेः खट्वाकंबलादिनिषेधो न तु कटस्य "भूमौ स्रस्तरशायिन" इति **विष्णोः** । "अधः प्रस्तरे" इत्युक्त**वसिष्ठाच्च** । अत एवैवव्यावर्त्य न खट्वादावित्येवोक्तम् । क्षारगणश्चोक्त **अग्निपुराणे**

"तिलमुद्गावृते शैब्यं सस्ये गोधूमकोद्रवौ । धान्यकं देवधान्यं च शमीधान्यं तथैक्षवम् ॥

"स्विन्नधान्यं तथा पण्यं मूले क्षारगणस्मृत" इति । क्षारो यवक्षारादि । लवणं सैंधवादि । लवणविशेषणं वा क्षारग्रहणं तेन सैंधवादेरनिषेध इति **मेधातिथिः** । निमज्जनं च नदीतडागादावतीर्यांबुपरिघर्षणादिवर्जितं मार्जनरहितं स्नानमात्रं । मांसाशनं च यावदाशौचं **स्मृत्यंतरे** निषिद्धम् । "न स्त्रियमुपेयुर्न मार्जयेयुर्न मांसमश्नीयुरिति" **अध इति** द्वंद्वाद्युत्तरं मत्वर्थीयः । **सर्वे इति** "न मार्जयीरन्मांसं न भक्षयेयुराप्रदानादिति" शेषः । सर्वैः ज्ञातयः सह स्नायुरित्यर्थ इत्यन्ये । प्रदानमेकादशाहादिकं श्राद्धं तत्पर्यंतं । तथा च मांसभक्षणादौ **मनूक्त**त्र्यहेण विकल्पो बोध्यः । **वैपूडवे** त्वस्थिसंचयनमेवावधित्वेनोक्तम् ।

"शय्यासनोपभोगस्तु सपिंडानामपीष्यते । अस्थिसंचयनादूर्ध्वं संयोगस्तु न योषिताम्" ॥ इति ।

मैथुनं तु यावदाशौचमेव नेत्यर्थः ।

"सपिंडः पुत्रभिन्नः । तस्य तु यावदाशौचमेव । तत् दशाहं कटमुपासीरन्मातापित्रोरेव मरणे" इति **बौधायनात्** । **बृहस्पतिरपि**

"अधःशय्यासना दीना मलिना भोगवर्जिताः । अक्षारलवणान्नाः स्युर्लब्धक्रीताशनास्तथा" ॥ इति ।

दीना हर्षहास्यादिरहिताः । मलिना मार्जनवस्त्रक्षालनादिरहिताः । अत एव क्षालनार्थं निर्णेजकादिभ्यो वासस्त्यागस्तेनैवाऽऽशौचोपान्त्यदिन उक्तः । "नवमे वाससां त्यागो नखरोम्णां तदंतिके" इति । **ब्राह्मे** तु अंत्यदिने एव वस्त्रशुद्धिरुक्ता

"यस्य यस्य तु वर्णस्य यद्यत्स्यात्पश्चिमं त्वहः । स तत्र गृहशुद्धिं च वस्त्रशुद्धिं करोत्यपि" ॥ इति

"प्रथमतृतीयसप्तमनवमेषूदकक्रिया वाससां च त्यागोऽते त्वंत्यानामिति" **गौतमोक्त**स्तु तत्त्यागः परिवर्तनमन्नं पिंडदानाद्यौर्ध्वदेहिककालधृतयोस्तु त्याग एव

"ग्रामाद्बहिस्ततो गत्वा प्रेतस्पृष्टे तु वाससी । अंत्यानामाश्रितानां च त्यक्त्वा स्नानं करोति च" ॥ इति **ब्राह्मात्** । यत्तु **मिश्रैर्गौतमे**नांत्यानां शूद्राणामंतेवासस्त्यागविधानाद्बार्हस्पत्यवासस्त्यागस्य द्विजविषयतया संकोचः कृतः स भिन्नविषयत्वादयुक्तः । भोगवर्जिताः स्रक्चंदनादिधारणोच्चासनादिरहिताः । तेन तैलाभ्यंगतांबूलचर्वणादिनिषेधः । यत्तु **मार्कंडेयपुराणे**

"तैलाभ्यंगो बांधवानामंगसंवाहनं च यत् । तेन चाप्यायते जंतुर्यच्चाश्नंति स्वबांधवाः" ॥ इति ।

तैलाभ्यङ्गो विहितः। स त्वन्त्यदिने "ग्रामान्निष्क्रम्य आशौचांते कृतश्मश्रुकर्मणस्तिलकल्कैर्वा स्नाता विपरिवर्तितवाससो गृहं प्रविशेयुरिति" **विष्णूक्त**तिलकल्कादिस्नानविकल्पितो द्रष्टव्यः। यद्यपि पितृयज्ञावृतेत्यनेन तत्प्रकारोऽतिदिष्टस्तथापि

"पितृयज्ञं स्वधां चैव न प्रयुंजीत कर्हिचित्। अनुशब्दं तथा चेह प्रयत्नेन विवर्जयेत्॥

"उपतिष्ठतामयं पिंडः प्रेतायेति" समुच्चरेत्। तूष्णीं प्रत्येकं पुष्पं च धूपं दीपं तथैव च"॥ इति **मरीचि**वाक्यात्स्वधादेर्निवृत्तिरित्याह। **प्राचीनेति**। रमेयाह। **तूष्णीमिति**। अन्नस्य पिंडरूपत्वे तूष्णींत्वे च मानमाह। **यथाहेति**। **विवर्जितमिति** क्रियाविशेषणम्। **प्रागुदीची**। ईशानी। बहिःपदार्थविवरणमिदम्। इदमुपलक्षणं। देशांतरमपि **ब्राह्मे** उक्तम्। "द्वारोपांते ततः क्षिप्त्वा स शुद्धां गौरमृत्तिकाम्"। इति।

"ग्रामाद्बहिश्च कर्तव्यं जलाशयसमीपतः। पिंडदानं दशाहानि प्रेतायारण्यमाश्रितैः"॥ इति च। **शुनःपुच्छोऽपि** "द्वारदेशे प्रदातव्यो देवतायतनेषु वेति" मृत्तिकाक्षेपश्च स्थंडिलनिर्माणार्थं

"स्थांडिले प्रेतभागं तु दद्यात्पूर्वाह्ण एव तु। कृत्वा तु पिंडसंकल्पं नामगोत्रेण सुंदरीति"॥ **वाराहात्**। विशेषमाह। **दर्भेति**। दर्भास्तरण इत्यर्थः। **अनुपनीतेति**। तथा च वचने संस्कार उपनयनमेवेति भावः। विशेषांतरमाह। **तथेति**।

एवमग्रेऽपि। तदेवाह। **असगोत्र इति**। अत्र यद्यपि दद्यादिति सामान्येनोक्तं तथापि प्रतिग्रहाभावेऽपि पिंडकर्मश्राद्धादौ तदुद्देशत्यागमात्रेणादाधातुप्रयोगसंभवादुत्तरार्द्धे चाद्यदिनकर्मण एव दशाहसमाप्त्यन्यप्रतीतेर्दाहस्य च तदसंभवात्

मि. पृ. १७०

"प्रथमेऽहनि यो दद्यात्प्रेतायान्नं समाहितः। अन्नं नवसु चान्येषु स एव प्रददात्यपीति"॥ **ब्राह्माच्च** पिंडं दद्यादित्येवार्थो बोध्यः। पूर्वोत्तरसंदर्भेण व्याख्यातृसंमतमेवेदम्। **विवोदासीये** तु

"सगोत्रो वाऽसगोत्रो वा योऽग्निं दद्यात्सखे नरः। सोऽपि कुर्यान्नवश्राद्धं शुध्येत्तु दशमेऽहनि"॥ इत्युक्तम्। अत्र अपिनाऽन्यसमुच्चयः। तथा च तत्र विकल्पः। तथा च पुत्राद्यसंनिधाने विप्रकृष्टाधिकारिणा पिंडदानरूपप्रक्रिया आरब्धा तत्र मध्ये संनिकृष्टसंनिधानेऽपि विप्रकृष्टेनैव दशाहांता क्रिया एकादशाहादि तु संनिकृष्टाधिकारिणैवेति भावः। **भविष्योत्तरे** देशनियमोऽप्युक्तः

"गृहद्वारे श्मशाने च तीर्थे देवगृहे तथा। यत्राद्यो दीयते पिंडस्तत्र सर्वं समापयेत्॥" इति। **वाप्य** अथवा शाकैरपि। अत्र शालिपक्षो मुख्यः। अन्ये मुख्यासंभवेऽनुकल्पाः। तथा च **स** एव

"फलमूलैश्च पयसा शाकेन च गुडेन च। तिलमिश्रं तु दर्भेषु पिंडं दक्षिणतो हरेत्॥" इति।

दशाहो विद्यते यस्य तद्दशाहिकम्। एवमुत्तरीयाद्यविपर्ययो द्रष्टव्यः। एतेषां च विपर्यये उक्तं **गृह्यकारिकायाम्** "उत्तरीयशिलापात्रकर्तृद्रव्यविपर्यये। पूर्ववत्तांजलीन्दद्यात्पिंडदानं तथैव च" इति। एवं चार्थभेदेन दोष इति तत्रार्थे चमिति केषांचिद्वचोनिर्मूलं बोध्यम्।

पाषाणे इति। भूमौ पाषणे वा तत्र। अत एव "असंस्कृतानामिति गृहद्वारि तस्मै प्रेताय पिंडं निर्वपेयुः। भूमौ माल्यं पानीयं चोपलिप्तायां दद्युरिति" च **प्रचेतः** स्मरणमपि स्मृति राणादिकं

"कुशास्तीर्णभूमौ पैतृमेधिकसंस्कारं मंत्रपूर्वकमादित" इति। अत्र चौरस इत्येकत्वं कर्तृत्वे विवक्षितमाधिकारे त्वविवक्षितम्। "प्रमीतस्य पितुः पुत्रैः श्राद्धं देयं प्रयत्नतः" इति **बृहस्पतिना** सर्वेषामधिकारोक्तेः। एवं "मृते पितरि पुत्रेण क्रिया कार्या विधानतः" इत्या**दिशंखादा**वेकत्वं साक्षात्कर्तृत्वाभिप्रायमेव। अधिकारस्तु फलस्वाम्याख्यः सर्वेषामपि अविभक्तानां स्वत एव साधारण्येन विभक्तानां च स्वस्वांशप्रदानसंपादितसाधारण्यकेन च द्रव्येण साक्षादेकेन कृतेऽपि सपिंडीकरणांतकर्मणि अनुमतिविधानेन कर्तृत्वात्। अन्यथा साधारणस्यैकेन विनियोक्तुमशक्यत्वात्। यत्तु **मिश्रै**रेकस्य कर्तृत्वेऽपि सर्वेषामधिकारोऽस्त्वित्याशंक्य न ह्यन्यकर्तृके प्रयोगेऽन्यस्य कर्तृता संभवतीत्युक्तं तत्कर्तृत्वाधिकारविवेकज्ञाननिबंधनम्। यद्यप्यन्येषां ज्येष्ठाधिकरणबोधकं संगच्छते। केचित्तु **शंखो**क्तावप्युपल इति पाठः। तथापाठेऽपि पाषाणमये देशे इत्यर्थ इत्याहुः। व्याख्यातृसंमतं तु वा चार्थे इत्येक एव पक्ष इति शंकानिरासद्वारा विशेषमाह। **न चेति**। न हीत्यर्थः। हि यतः। असंभवात्स्मृत्यंतरविरोधाद्बहुवचनस्य सर्वाधिकारिसामान्यपरतयोपपत्तेश्चेति तदर्थः। **ज्येष्ठेनैवेति**। अत्र किंचित् मूलाद्यनुक्तमाकांक्षितं सविशदमुच्यते। विभक्तानामविभक्तानां वौरसपुत्राणां बहुत्वे सर्वसान्निध्ये च सर्वज्येष्ठ एव पुत्रोऽधिकारी। तस्य स्वरूपतोऽभावेऽसांनिध्ये पातित्यानाधिकारित्वे वा तस्मादवरो वा तादृश इति व्यवस्थितविकल्पः। सर्वज्येष्ठकनिष्ठानामपि बहुत्वे पूर्ववदेव। तथौरसपौत्रिकेयादीनां समवाये पूर्वपूर्वपठित एव तदभावेऽवरोऽवरः। तथा च **सुमंतुः** "मातुः पितुश्च कुर्वीत मृतयोरौरसः सुतः" कर्त्तव्यप्रयोगोपसंहारासामर्थ्यं तत्र कारणमुक्तं। तदपि व्यधिकरणम्। अनुमतिद्वारककर्तृत्वस्य शंकितत्वात्साक्षात्कर्तृत्वासामर्थ्येऽपि च तत्रान्येषां सामर्थ्यस्याविघ्नत्वात्। न ह्यत्रासामर्थ्ये नान्यत्रासामर्थ्यं भवति हौत्रासामर्थ्ये न वाध्वर्यवे सपिंडीकरणोत्तरभाविनि तु आष्टिकादीन्यविभक्तानामेकस्यैव विभक्तानां तु पृथक् पृथक्

"भ्रातॄणामविभक्तानामेको धर्मः प्रवर्तते। विभागे सति धर्मोऽपि भवेत्तेषां पृथक् पृथक्॥" इति **नारदात्**। एतेन "सपिंडोत्तरभविष्यविभक्तानामनियमः"। इति **शूलपाण्युक्त**मपास्तम् यदपि "सपिंडीकरणांतानि यानि श्राद्धानि षोडश। पृथक् नैव सुताः कुर्युः पृथक् द्रव्या अपि क्वचित्"॥ इति **लघुहारीतोक्तिः**। पृथक् द्रव्याः। अपिशब्दादपृथक्द्रव्याश्च सापिंडांतानि पृथक् नैव कुर्युः। तदाग्रिमाणि तु विभक्तानां पृथक् अविभक्तानां तु पृथगपृथग्वेति वचनव्यक्त्यांगीकारेण तत्र मानत्वेन तेनोक्ता साऽपि वचनव्यक्त्यज्ञाननिबंधना अविभक्तानामन्यवत्सपिंडीकरणांतानि अपृथगेव भवंति विभक्तानां त्वन्यवत्तेष्वपि भेदानुष्ठाने प्राप्ते पृथक् द्रव्या अपि सपिंडांतानि पृथक् नैव कुर्युरन्ये तु पृथक् कुर्युरिति हि तत्र वचनव्यक्तिर्न तु सा पृथक् द्रव्या अपीत्यस्यानर्थक्यापत्तेः।

"एकपाकेन वसतां पितृदेवद्विजार्चनं। एकं भवेद्विभक्तानां तदेव स्याद्गृहे गृहे"॥ इत्यादि**बृहस्पतिविरोधाच्च**।

"अर्वाक् संवत्सराज्ज्येष्ठः श्राद्धं कुर्यात्समेत्य च। ऊर्ध्वं सपिंडीकरणात्सर्वे कुर्युः पृथक् पृथक्"॥ इति **व्यासोऽपि** विभक्तानामुत्तरार्धार्थानुवादेन पूर्वार्धार्थविधायकः। अन्यथा समेत्यस्यानर्थक्यापत्तेरिति दिक्। एवञ्च बहुष्वौरसेषु सर्वेषामधिकारित्वेऽपि साक्षात्कर्तृत्वमेकस्यैवेति **सुमंत्वा**दितः प्राप्ते तत्कस्येत्यपेक्षायां प्रागुक्तसिद्धांतसिद्धार्थे **मरीचिनोक्तम्**।

"मृते पितरि पुत्रेण क्रिया कार्या विधानतः ।

"बहवः स्युर्यदा पुत्राः पितुरेकत्रवासिनः । सर्वेषां तु मतं कृत्वा ज्येष्ठेनैव तु यत्कृतम्" ॥

"द्रव्येण चाविभक्तेन सर्वैरेव कृतं भवेदिति" । यदा एकत्रवासिनः अविभक्ता बहवः पुत्राः स्युस्तदा सर्वानुमत्या ज्येष्ठेन यत्कृतं तत्सर्वैरेव कृतं भवेत् । फललाभात् । यदापि विभक्तास्तदापि अविभक्तेन साधारण्येन कृतेन द्रव्येण सर्वेषां तु मतमित्यादीति भिन्नविषयतया योज्यं । संपूर्णस्य अविभक्तमात्रविषयत्वे द्रव्येण चाविभक्तेनेत्यस्यानर्थक्यापत्तेः । द्रव्येण चावीत्येतच्च सपिंडन-पर्यंतक्रियाविषयम् ।

"नवश्राद्धं सपिंडत्वं श्राद्धान्यपि च षोडश । एकेनैव तु कार्याणि संविभक्तधनेष्वपि" ॥ इत्युक्तेः प्रागुक्तबृहस्पतेश्च । तस्माद्विभक्तानामभुक्तानां वाऽनेकौरसानां समवायेऽपपतितोऽपि विद्यमानज्येष्ठसपिंडनांतं कुर्यात् । तदसंनिधानादौ त्ववरेऽपि पुत्राः षोडशश्राद्धपर्यंतं तावत्कुर्युरेव । तस्य नियतकालकर्तव्यत्वात्प्रतिनिध्यनुकल्पयोश्च मुख्याभावोपाधिकत्वाविशेषात्तुल्यन्यायत्वेऽपि मुख्यद्रव्येणान्यस्य कर्तृत्वं स्वत्वाभावादसंभविस्वद्रव्येण कर्तृत्वे तस्मैवाधिकारापत्तिरित्येवंरूपस्य प्रोषिते मृते वा यजमाने याजमाने याजमानेषु प्रतिनिध्यभावन्यायस्य द्रव्याधिकारसाधारण्या-त्पत्न्यामिव पुत्रेष्वप्यप्रवृत्तेः कर्तृत्वांशे तेषामनुकल्पत्वस्य न्यायत्वाद्वक्ष्यमाणपुत्रातिरिक्ताधिकारिणां यद्यपि न्यायात्तन्नैव प्राप्नोति वचनं च "पिंडदोंऽशहरश्चे" त्यादिपूर्वपूर्वस्वरूपाभावोपाधिकमेव तेषामंशग्रहण इव पिंडदानेऽपि कर्तृत्वं विदधाति तथापि "असगोत्रः सगोत्रो वा" इति वाक्या-रंभसामर्थ्यात् "प्रोषितावसिते पुत्र" इति वचनसामर्थ्याच्च पूर्वपूर्वसान्निध्यशक्त्यादावपि तेषां तत्र कर्तृत्वमवसीयते । यदि स्वरूपेण पूर्वपूर्वभाव एवोत्तरोत्तरस्य कर्तृत्वं तदेदं वचनद्वयमनर्थकं प्राप्त-त्वात्तदर्थस्य यदा तु पूर्वपूर्वसंनिधानाद्यभावेऽप्युत्तरोत्तरकर्तृत्वं तदा तत्सन्निधानादिना तदन्येनाद्य-दिनकृत्ये कृते पश्चात्प्रत्यासन्नसन्निधौ "प्रवृत्तेऽपीति" चेदिति न्यायेनोत्तरकर्मणि तस्यैव कर्तृत्वे प्राप्ते पुत्रासंनिधौ च सपिंडनेऽपि तत्पूर्वक्रियास्विव भ्रात्रादीनामप्यधिकारे प्राप्ते इदं वचनद्वयम-नर्थवद्भवति । सपिंडनं तु पुत्राः साग्निकाश्चेत्तदा एकादशाहे द्वादशाहे वा कुर्युरेव पिंडः पितृयज्ञार्थं तेषां तत्काले तस्यानर्थत्वात् । निराग्निकैस्तु चरमकालं यावज्ज्येष्ठप्रतीक्षा कार्या । तन्मध्ये ज्ञाते ज्येष्ठेनैव कार्यम् । नोचेच्चरमकाले कनिष्ठैरपि कार्यम् । पूर्वोक्तादेव न्यायात् पुत्रभिन्नानां विशेषो वक्ष्यते । सहगमने तु लौगाक्षिः "मृताहनि समासेन पिंडनिर्वपणं पृथक् । नवश्राद्धं च दम्प-त्योरन्वारोहण एव तु" ॥ इति समासेन पाकादितंत्रेण पृथक् पिंडनिर्वपणं कुर्यान्नवश्राद्धं च तथा कुर्यादित्यर्थः । दर्शे वर्गद्वयवदिति भावः । अत एव च संगतिः । तथा च प्रचेताः

"एकचित्यां समारूढौ म्रियेते दंपती यदि । तंत्रेण श्रवणं कुर्यात्पृथक्पिंडं समापयेत्" ॥ इति ।

गार्ग्यः

"एकचित्यां समारूढौ दंपती निधनं गतौ । पृथक् श्राद्धं तयोः कुर्यादोदनं च पृथक् पृथक्" ॥ इति ।

ओदनं पिंडः । स्पष्टार्थमिदम् । भृगुः

"वाह्यन्वारोहणं कुर्याद्भर्तुश्चित्यां पतिव्रता । तां मृताहनि संप्राप्ते पृथक् पिंडे नियोजयेत् ॥

"प्रत्यब्दं च नवश्राद्धं युगपत्तु समापयेत् ।" इति । मृताहनीति प्रथमाब्दिकविषयम् । अत एव प्रत्यब्दमिति सफलं युगेत्यनेन समास उक्तः । आद्यंतग्रहणान्मध्येऽपि तथेति सूचितम् ।

वृद्धपराशरः

"आरुह्य भर्तुश्चितिमंगना या प्राप्नोति मृत्युं खलु सत्त्वयुक्ता ।
एकादशाहे तु तयोर्विधेयम् श्राद्धं पृथक् स्वर्गनियद्भिरद्भिः ॥
एकलमिति मतिप्रहीना एकदशाहादिषु येन तार्पोः ।
ते स्वर्गमार्गं विनिहत्य कुर्युस्त्रीसत्वघातान्नरकाधिवासम् ॥

"भर्ता सह मृता या तु नाकलोकमभीत्सती । सा पृथक् पिंडा सौभाग्यश्रीरस्तु सततं तयोः ॥

"पृथगेव हि कर्तव्यं श्राद्धमेकादशाहिकम् । यानि श्राद्धानि सर्वाणि तान्युक्तानि पृथक् पृथक्"॥

इति **पराशरमाधवे** स्पष्टमिदं एतेन **श्राद्धनिर्णयामृतपृथ्वीचंद्रोदया**दिष्वन्यथोक्तमपास्तम् । इदं चैकमातृविषयेऽपुत्रभिन्नमातृकविषये च । सपुत्रभिन्नमातृकाविषये तु सहगमने सर्वज्येष्ठेन पितुरौर्ध्वदेहिककरणेऽपि तस्याः कनिष्ठोऽपि औरस एव सर्वं कुर्यात्पृथक् न सपत्नीपुत्रो ज्येष्ठ एव तत्र तन्निरूपितमुख्यपुत्रत्वाभावाभावात् । दाहस्त्वेकस्यामेव चितौ । सपिंडनं तु सर्वज्येष्ठेन पितुरेव पितामहादिभिः कनिष्ठेन तु पितृसपिंडनादिने दिनांतरेव तदपि पितृसपिंडनोत्तरमेव संभवति पितृत्वयन्मेनसंयोजने प्रेतसंयोगात् । स्पष्टं चेदं **पृथ्वीचंद्रोदये त्रिस्थलीसेतौ श्राद्धमयूखे** च । एतेन नवश्राद्धमेव पृथगिति परिसंख्यययाऽन्यत्र पृथगुक्तेष्वपि वार्षिकतीर्थसपिंडने चाष्टक्यादिषु समास एवेति **मदनपारिजातनिर्णयामृता**ष्वनुरोधेन समासविधिवाश्रकाज्ज्येष्ठपुत्रस्य कर्तृत्वे सपत्नमातुरन्वारोहणं तत्पुत्रे सत्यपि तत्पूर्विकादिकमाविभक्तः सपत्नीपुत्र एव ज्येष्ठः कुर्यात्तथौरस इति **निर्णयसिंधू**क्तमपास्तम् । औरसाभावेन पुत्रिकापुत्रादयो मूलोक्तप्रकारेण कुर्युः । तथा च "औरसो धर्मपत्नीज" इत्याद्युक्तं व्याख्यातं च । तथा ब्राह्मणक्षत्रियजयोक्षत्रियावैश्यापुत्रयोरप्यौरसत्वमित्यादि प्रागुक्तम् । अत एव **ब्राह्मे** "पुत्राः कुर्वन्निति" "क्षत्रविट्शूद्रयोनयः" इति क्षत्रियावैश्यापुत्रयोरपि पितृक्रियाकारित्वमित्युक्तम् । शूद्रापुत्रस्य तु द्वादशविधम् । पुत्राभावे तच्चानुपदमेव वक्ष्यते । औरसाभावे पुत्रिकापुत्रः । स च द्विविध इत्युक्तम् । तदभावे क्षेत्रजः । सोऽपि द्विविध इत्युक्तम् । तदभावे गूढजः । तत्स्वरूपमुक्तम् । तदभावे कानीनः । तत्स्वरूपमप्युक्तम् । तदभावे पौनर्भवः । तत्स्वरूपमप्युक्तम् । तदभावे दत्तकः । तत्स्वरूपमप्युक्तं प्राक् । यत्तु तत्स्वरूपबोधक**मानवे** "आपदीत्यस्य ग्रहीतुः पुत्राभावे इत्यर्थ" इति प्राच्यैरुक्तम्

"आज्यं विना यथा तैलं सद्भिः प्रतिनिधिः स्मृतः । तथैकादश पुत्राः स्युः पुत्रिकौरसयोर्विना"

इति **बृहस्पत्युक्तेः**

"क्षेत्रजादीन्सुतानेतानेकादश यथोदिताः । पुत्रप्रतिनिधीन्प्राहुः क्रियालोपान्मनीषिणः" ॥ इति क्रियालोपहेतुकौरसप्रतिनिधित्वोक्तेश्चेतरवद्दत्तकस्याप्यौरसपुत्राभावविषयत्वसिद्धेरानर्थक्यात्समभिव्याहारविरोधाच्चोपेक्ष्यम् । दत्तकाभावे क्रीतः । तदभावे कृत्रिमः । तदभावे स्वयंदत्तः । एतेषां स्वरूपाण्युक्तानि । तदभावे सहोढजः । ननु एतत्स्वरूपं **मानवे** उक्तम् ।

"या गर्भिणी संस्क्रियत" इति तदनुपपन्नं । "कन्यामुपपद्येतेति" कन्याया एव विवाहविधानाद्गर्भिणीसंस्कारासंभवादिति चेदत्र केचित् संबंधेन कन्यात्वहानिः किंतु मंत्रवत्संस्कारेणैव

"पाणिग्रहणिका मंत्रा नियतं दारलक्षणम् । तेषां निष्ठा तु विज्ञेया विद्वद्भिः सप्तमे पदे" ॥ इति **मनोः** (अ० ८।२२६) । अत एव तेन व्यवायपूर्वकत्वेनोक्तयोरपि गांधर्वपैशाचविवाहयोरस्त्येव पाणिग्रहणहोमादिः संस्कारः । तथा च **देवलः**

"गांधर्वादिविवाहेषु पुनर्वैवाहिको विधिः । कर्त्तव्यश्च त्रिभिर्वर्णैः समयेनाग्निसाक्षिकम् "॥ इति। तत्रोपगंतैव संस्कर्त्ता गर्भिण्यास्त्वन्य इत्यन्यदेतत् । अत एव च युक्तागमनांगविवाहवत्तत्र धर्ममात्रं होमादि न तु भार्यात्वलक्षणलौकिकातिशयजनकं संस्कारकर्म विवाह एव कन्यामुपयच्छेतेति विधिर्द्वितीयनिर्देशादित्यपि नांगीकार्यम् । क्षतयोनित्वेऽपि संस्काराभावेन कन्यात्वानपगमादत्रापि तद्विधिप्रवृत्तौ बाधकाभावात्प्रथमव्यवायेन स्त्रीपुंसयोः कन्यापत्यन्यगमननिषेधातिक्रमनिमित्तप्रत्यवायसंभवेऽपि अग्रे गांधर्वादौ तस्यैव पुंसो गर्भिणीविवाहेऽन्यस्य स्त्रियाश्चोभयत्र तत्परिहारार्थं गांधर्वगर्भिणीविवाहादेरपि भार्यापत्नीभावसंपादकत्वेन संस्कारकर्मत्वाच्च । अत एव गांधर्वोढायां गर्भिण्यां च जातः पुत्रो वोढुरेव तस्यां भार्यात्वेन स्वत्वात् नियुक्तायास्तु संस्कृतात्वेनाऽकन्यात्वाद्देवरादिपरिणयनं धर्ममात्रमेव । यद्यपि च नियोगो वाग्दत्ताविषयस्तथापि वाग्दानसंप्रदानस्य पतित्वोक्तेर्नियुक्ताजस्य क्षेत्रपुत्रत्वोक्तेश्च संपूर्णभार्यात्वाभावेऽपि वाग्दानमात्रेणैव ज्येष्ठस्वत्वं कन्यात्वापगमश्च बोध्यः । कन्योक्तिस्तु संपूर्णसंस्काराभावाशयेन संपूर्णसंस्कृताया नियोगं निषिध्यमानाया. "यस्यां म्रियेत"इत्याद्युक्तेः । अन्यथा (**मनुः** अ. ८।२२६)

"पाणिग्रहणिका मंत्राः कन्यास्वेव प्रतिष्ठिताः । नाकन्यासु क्वचिन्नॄणां लुप्तधर्मक्रिया हि ता"॥ इति निषेधाप्रवृत्तेस्तद्विवाहविधिवैयर्थ्यप्रसंगात् । अत एवाप्राप्तत्वेनानेकगुणोपादानेन च विधेयत्वात् भिन्नेऽस्मिन्विवाहे प्रजार्थविवाहाच्चोदकप्राप्ताऽन्यपूर्वा पर्युदासापवादत्वेन "अपुत्रां गुर्वनुज्ञात" इत्यादि व्याख्यातं व्याख्यात्रा । अनन्यपूर्वाशब्दश्च कन्याशब्दसमानार्थत्वाद्दत्तापर एव । न त्वन्यानुपभुक्तापरोपि गर्भिणीसंस्कारानुपपत्तिप्रसंगात् । न चात्र संस्कारो विधीयते । येन नियुक्तावद्वाचनिकं धर्ममात्रमित्युच्यते ।

"बलादपहृता कन्या मंत्रैर्यदि न संस्कृता । अन्यस्मै विधिवद्देया यथा कन्या तथैव सा"॥ इत्यनेनापि वाचोयुक्तिविशेषेणापहरणेन कन्यात्वनिवृत्तिशंका पिशाचीनिरासमात्रं क्रियते । न त्वकन्याया एव तस्याः कन्यातुल्यत्वेनान्यस्मै दानं विधीयते । वचनभारकल्पनापत्तेः । अकन्यात्वे बीजाभावाच्च । अत एव च कानीनः कर्ण इत्यपि युज्यते । अक्षतयोनिवचनत्वे कन्यायाः पुत्रवाक्यात् वर्ण्यते च शकुंतलोपाख्यानादावितिहासपुराणेषु क्षतयोनिनामपि विवाहः । एवं च

"सर्ववर्णेषु तुल्यासु पत्नीष्वक्षतयोनिषु । आनुलोम्येन संभूता जात्या ज्ञेयास्त एव ते" ॥ इति **मानवे** (१०।५) क्षतयोनिषु वोढुरप्युत्पन्नानां तज्जातीयत्वनिवृत्त्यर्थमक्षतयोनिग्रहणं पृथगुक्तम् । अन्यथा तासां विवाहसंस्काराभावेन मुख्यपत्नीत्वाभावात् तत्तद्ग्रहणेनैव तत्फललाभात्तदानर्थक्यापत्तेः । न च तासां विवाहः । सत्वेऽपि कर्मानधिकाराद्यज्ञसंयोगानिमित्तपत्नीत्वं **नास्त्येवेति** वाच्यम् । विवाहरूपयज्ञसंयोगादेव तदुपपत्तेः । तस्यापि पूषवरुणादियागरूपत्वात् **"पाणिग्रहणिका मंत्रा" इत्यादिनिषेधोऽपि संस्कृताविषय एव न क्षतयोनिविषयः । मंत्रलिंगस्य हेतु-**

त्वोक्तेः । मंत्राणां च गार्हपत्याय "भार्यापतिभावाय ते वा मह्यमेव त्वां अददुर्दत्तवंतो न त्वन्यस्मै अहमेव त्वामिमां पितृकुलात्प्रमुंचामि न त्वन्येन त्वं तथा कृता अर्यमादयो देवा इदानीमिमामितः प्रमुंचंतु न तु पूर्वं प्रमुक्तवंतः तानावामिह विवहावहै न तु पूर्वं व्यूढावि"त्यादिप्रकारेण संस्कृतापरत्वात् । न त्वेवमक्षतयोनिपरत्वे किंचिन्मंत्रलिंगं पश्यामः । सम्भोगमात्रेण तत्स्वत्वापनयनरूपपितृकुलप्रमोकासंभवात् कानीनपैत्रिकेययोर्मातामहपुत्राद्यनुपपत्तिप्रसंगात् । यत्त्ववैवाहिकत्वान्मंत्रार्थमजानन्नैस्साहसिकैर्मिश्रकुल्लूकभट्टादिभिः "कन्या अग्निमयक्षतेति" (आश्व. गृ. १।७।१३) मंत्रलिंगमुदाहृतं तदक्षतेति बहुवचनांतभूतनिर्देशसमभिव्याहाराद्विवृत्तिपाठाच्च बहुवचनांतादेव कन्यापरकन्याशब्देन संस्क्रियमाणकन्याप्रकाशनाभावादसंस्कृताक्षतयोनिपरत्वेन तस्य संदिग्धत्वादुपेक्ष्यम् । अत एव "अर्यमण"मित्यादिमंत्राणां पत्न्या होतृत्वेऽपि पतिप्रयोज्यत्वमुक्तं वृत्तिकृता । तस्मात्पुरुषसंयोगाया अपि संस्काराभावेन कन्यात्वान...ज्यत एव गांधर्वादिवद्गर्भिण्या अपि विवाहः केवलं निषेधातिक्रमपूर्वकत्वात्कन्यागमननिषेधाप्रवृत्तिसंपादनेन च केवलदृष्टार्थत्वात्तद्वदेव निंद्यः । अत एव गांधर्वादीनां मैथुनमात्रं विहितत्वलक्षणमैथुन्यत्वं तज्जातपुत्राणां च संतानावर्धनत्वमुक्तं **स्मृतिषु** पूर्वोपगंतुर्वोढुश्चान्यत्वेन निंद्यतमत्वाच्च विवाहेषु गर्भिणीविवाहस्यापाठ इत्याहुः । **मेधातिथ्यादयस्तु** कन्याकुमारीशब्दौ प्रथमवयोवचनावनुपभुक्तपूर्वस्त्रीवचनौ च **कोशा**त्प्रयोगाच्च न त्वसंस्कृतमात्रवचनौ तदभावादेशजीविनी नाम संस्कृतानां गमने कन्यागमनदोषापत्तेश्च । विवाहप्रकरणे तु अनुपभुक्तवचनावेव लोकेऽपि तत्प्रसंगे अज्ञानात् क्षतयोनिं परिणेतुकामस्यान्यैर्नैषा कुमारी नष्टमस्यां कौमारमित्यादिबोधनादिव्यवहारस्य तत्विषयत्वात् अन्यत्रापि प्राचुर्येण तत्रैव प्रयोगाच्च क्षतयोनेरपि विवाहे च गर्भाधानादिसंस्कारांगमंत्राणां "विष्णुर्योनिं कल्पयात्वि"त्यादीनामसमवेतार्थत्वापत्तिर्मैथुनक्षमत्वरूपस्य योनिकल्पना स्यादेव । वृत्तत्वेन प्रार्थनाऽसंभवात् । न च गांधर्वादिभिन्नोढाविषयत्वं तेषां युक्तम् । अविशेषश्रवणात् । तथा च "कन्यामुपयच्छेते"त्यक्षतयोनेरेव विवाहविधानाद्गांधर्वलक्षणार्थे "इच्छयाऽन्योन्यसंयोगः कन्यायाश्च वरस्य चेति" **मानवे** संयोग एकत्रदेशे संगतयोरन्योन्येच्छया "त्वं मे भार्या भवेति" समयरूपो द्रष्टव्यः । पैशाचलक्षणार्थे च "सुप्तां मत्तां प्रमत्तां वा रहो यत्रोपगच्छति" इत्यत्रोपगच्छतिरालिंगनोपगूहनचुंबनाद्युपगमनार्थव्यापारो बोध्यः । अत एवा**श्वलायनसू**त्रमूलस्मृत्यादौ मिथः समयछलापहरणमात्रं तयोर्लक्षणमुक्तम् । एवं च विवाहविधौ कन्याशब्दस्याक्षतयोनिवचनत्वेन गर्भिण्यास्तदप्राप्तेः "या गर्भिणी" इत्यत्र संस्कारस्यानुवादप्रतीतावप्युपपत्त्या विधिरेव बोध्यः । स च संस्कारः कन्यासंस्कारवत् न भार्यापत्तिभावसंपादकः प्रमाणाभावात् । किं तु तद्धर्मकं धर्ममात्रं नियुक्तसंस्कारवत् । तस्य च फलं तस्याः कन्यात्वपरभार्यात्वविधिबाधत्वाभावात्तद्गमने द्वितीयोपगंतुः कन्यादिगमननिमित्तदोषाभावेऽपि स्वभार्यात्वस्याप्यभावात् "स्वदारनिरतः सदेति" नियमातिक्रमनिमित्तप्रसक्तदोषपरिहारे भार्यात्वासंपादनेऽपि तद्वदेवान्यथानर्थक्यापत्तेः । वोढुरित्यनेनापि न विवाहप्रत्यभिज्ञातस्य स्वीकर्तृमात्रवाचित्वात् पूर्वोक्तरीत्या गर्भिण्या विवाहाभावात् "तं कानीनं वदेदि"त्यत्राप्येवमेव यद्यनूढा तदा मातामहस्य यद्यूढा तदा वोढुरिति **मिताक्षरा**पि । यद्युपगंत्रे दीयते तदा तस्य नो चेन्मातामहस्येत्येवं व्याख्येया विवाहासंभवात् तत्रोपगंतैव स्वीकर्त्ता गर्भिण्यास्त्वन्य इति विशेषः । एवं च

"सा चेदक्षतयोनिः स्याद्गतप्रत्यागतापि वा । पौनर्भवेन भर्त्रा सा पुनः संस्कारमर्हति" ॥

इति (९।१७६) **मानवे**ऽक्षतयोनेः पुनर्भ्वाः संस्कारार्हत्वोक्तिः संगच्छते । अन्यथा तस्याः संस्कृतत्वेन तदनुपपत्यापत्तेः । गतप्रत्यागतायामप्यक्षतयोनित्वमपेक्षितमेव । पूर्वा तु पत्या त्यक्ता विधवा वा । इयं तु स्वयमेव जीवंतं पूर्वपतिं त्यक्त्वा आगतेति भेदः । अत एव च गर्भिण्यादिपरिणयस्य विवाहेष्वपाठः । यत्तु सर्ववर्णेष्वित्यादिवर्णलक्षणार्थे **मानवे**ऽक्षतयोनिग्रहणं तल्लोकेऽसंस्कृतास्वपि लक्षणया रजकस्य पत्नीत्यादिपत्नीशब्दप्रयोगदर्शनादत्र च लाक्षणिकग्रहणार्थे प्रमाणाभावेऽपि मंदमत्याशंकानिरासार्थमिति प्रपंचेनोक्तं **मेधातिथिना** तद्व्याख्यानावसरे "पाणिग्रहणिका मंत्रा" इत्याद्यपि अक्षतयोनिपरमेव "कन्यामुपयच्छेतेति" नियमविधेः प्रागुक्तयुक्त्या तत्परत्वात् तत्सिद्धार्थानुवादत्वाच्चैतस्य मंत्रगतानां च तत्वात्त्वमिमामित्यादीनां संनिहितवाचिपदानां विधिपरतंत्रत्वेन विधिविषयीभूततत्परत्वात् नियमादिगर्भत्वे च प्रमाणाभावेन मह्यं त्वादुदित्यादीनामौदासीन्यात् यथाकथंचिद्वयानः । अस्मभ्यमुरुविश्रया ते विवृणोति विवहावहै ततः पश्चादेव प्रजां जनयावहै प्रजोत्पत्त्यनुकूलं व्यवायलक्षणव्यापारं करवावहै न तु पूर्वकृतवंतावित्यादिप्रकारेणाक्षतयोनिपरत्वस्यापि सुदर्शनत्वात् । अत एव **मेधातिथिना** कन्याशब्दस्याक्षतयोनिवचनत्वात् "कन्या अग्निमयक्षतेति" मंत्रे पुरा कल्पे कन्यानां विवाहयागे कर्तृत्वनिर्देशान्मंत्रबलादेव क्षतयोनीनां विवाह इत्युक्त्वा तत्रापरितोषात् परमार्थतस्तु कन्यामुपयच्छतेति विधिबलादेव तासां विवाहः । मंत्राः पुनर्विहितमेवार्थमभिवदंति । न पुनर्मंत्रेषु कन्याशब्दश्रवणात्कन्यानां विवाह इत्युक्तः । प्राच्यैस्तु मीमांसाऽनध्ययनात्तद्ग्रन्थतात्पर्यार्थमजानानैः संस्क्रियमाणकन्याप्रकाशकत्वेनैव "कन्या अग्निमयक्षतेति" तनोदाहृतमिति भ्रमेण कन्याविवाहे तस्यासमवेतार्थत्वापत्तिरित्युक्तम् । तदुपेक्ष्यमेव । कानीनः कर्ण इत्यादौ तु लक्षणयाऽसंस्कृतापरत्वं कन्याशब्दस्येत्याहुः । अन्ये तु कन्याशब्दस्यानन्यपूर्वाशब्दपर्यायत्वात्सार्वजनीनप्रयोगाच्चादानाक्षयभोगाभावः प्रवृत्तिनिमित्तं एवं चान्यतरसत्वे तदभावेन कन्यात्वाभावान्मुख्याविवाहाप्राप्तेः **स्मृतिसूक्तः** पुनर्भूसंस्कार उपभुक्तासंस्कारश्चेति द्वयमपि वाचनिकं धर्ममात्रं फलं च तस्य पूर्वोक्तमेवात एव चोभयोरपि विवाहेष्वपाठः ।

तथा च **मिताक्षरायाम्** (पृ. १२ पं. १८) "दानेनोपभोगेन पुरुषांतरापरिगृहीता"-मित्यनन्यपूर्वापदं व्याख्यातम् । अन्यपूर्वा न परिणेयेत्युक्तम् । का साऽन्यपूर्वेत्यपेक्षायां तत्स्वरूपप्रतिपादकत्वेन "अक्षता च क्षता चैवे"त्यादि व्याख्यातम् । अन्यत्तु पूर्वोक्तमेवेत्याहुः ।

अत्र प्रसंगात्पुनर्भूविषये किंचिदुच्यते । यत्रैका कन्या पित्रादिदत्ता बलादिहृता वा स्वगृह्योक्तविधिना सप्तमपदपर्यंतं संस्कृता पुनरन्येन तत्र द्वितीयेन समं संभोगे व्यभिचारप्रायश्चित्तमपि अन्यथा तु पुनर्विवाहमात्रं पित्राद्यनुमत्या बलादिना वा तथैव संस्क्रियते तत्र सा व्यभिचारवत्किंचित्प्रायश्चित्तं कृत्वा पूर्वपत्युः स्वीकारार्हा न वेति विचारः । तत्र केचित्तावन्नेति मन्यंते । अयं च तन्मतपरिष्कारः । पुनर्विवाहं विना तादियं पूर्वपतिना स्वीकर्तुमशक्या "सा चेदक्षतेति" **मानवात्** । पूर्वपतिस्वीकारविचारगोचरापन्नायाश्चास्यागतप्रत्यागतात्वात् पूर्वस्मिन् जीवत्येव क्षतयोनिरक्षतयोनिर्वा । यत्तु **सर्वज्ञस्य** गतप्रत्यागतायामप्यक्षतयोनिपदानुषंगकरणं तन्निर्बीजम् । अक्षतयोनिकल्पितोक्तायाः क्षतयोनित्वस्यैव प्रतीतेर्विरुद्धं चात **एवापरार्ककुल्लूकभट्टा**दिभिरन्य-

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१ अ-नवादयम् ।

संभोगपर्यंतं व्याख्याता। यत्तु **मेधातिथे**रक्षतयोनिपदानुषंगकरणं तत्र बीजमुक्तम्। अग्रेऽपि च किंचिद्वक्ष्यते। **वसिष्ठेनापि** गतप्रत्यागतापुनर्भूलक्षणेऽन्यैः सहाचारित्वेति सामान्येनैवोक्तम्. पौनर्भवत्वञ्च यद्यपि न पूर्वपत्युः पुनर्भूत्वहेतुभूतविवाहकर्तृतया संभवति लोकव्यवहारबलात्कौमारपतिभिन्नविवाहेनैव पुनर्भूत्वापत्तेर्द्वितीयस्यैव तथात्वात् तथापि द्वितीयविवाहेनैव तथाभूतायाः संबंधमात्रेण तत्पूर्वपत्युरपि संभवेत्येव। एतेषां तु

"कन्यैवाक्षतयोनिर्या पाणिग्रहणदूषिता। पुनर्भूः प्रथमा प्रोक्ता पुनःसंस्कारकर्मणेति" ॥

सामान्यवचनात्पूर्वपतिकृतद्वितीयविवाहस्यापि पुनर्भूत्वहेतुत्वस्याभिमतत्वात्पुनर्भूत्वहेतुभूतविवाहकर्तृतयापि पौनर्भवत्वं पूर्वपत्युः संभवति। यद्यपि **चापरार्ककुल्लूकभट्टा**दिव्याख्यानपर्यालोचनया

"कौमारं पतिमुत्सृज्य या त्वन्यं पुरुषं श्रिता। पुनः पत्युर्गृहं यायात्सा द्वितीया प्रकीर्तिता" ॥

इति **नारदोक्ता**[1] स्वैरिणी गतप्रत्यागता न तु पुनर्भूस्तथापि **मानव**पौनर्भवपद**वसिष्ठ**वचनस्वरसानुसारि**सर्वज्ञ**व्याख्यानस्यैव तैः पुरस्कृतत्वादक्षतयोनेरेव च विचारविषयत्वांगीकारादेतदुक्तम्। तस्मात्पुनर्विवाहं विना तावदियं पूर्वपत्युः स्वीकारानर्हा। पुनर्विवाहश्च कलौ निषिद्धः "ऊढायाः पुनरुद्वाह"मिति। यद्यपि चेदं निबद्धव्यवहारात्पुनर्भूविवाहनिषेधकं तथापि पूर्वपतिक्रियमाणपुनर्विवाहस्यापि संबंधमात्रेण सामान्यवचनबलात्पुनर्भूत्वापादकत्वेनैव च पूर्ववत्पुनर्भूविवाहत्वं द्रष्टव्यम्। निषेधस्य प्रापकवचनसापेक्षत्वात्।

न च युगांतरे पुनर्भूविवाहस्यानिषिद्धत्वेन गांधर्वादिरूपत्वादानानपेक्षस्यैवोत्तरभार्यात्वापादकत्वसंभवाद्युगपच्चोभयभार्यात्वासंभवात् द्वितीयपुरुषविवाहेन तद्भार्यात्वोत्पादकेन पूर्वभार्यात्वनाशस्यावश्यांगीकार्यत्वान्नष्टभार्यात्वसंधानार्थं युगांतरे गतप्रत्यागतायाः पूर्वपतिना पुनर्विवाहोऽपेक्षितः पुनरुपनयनमिव नष्टव्रतसंधानार्थं पापविशेषे ब्रह्मचारिणः। कलौ तु तस्य निषिद्धत्वेन सपिंडादिविवाहवदुत्तरभार्यात्वानापादकत्वात्पूर्वभार्यात्वस्यानिवृत्तेर्न तत्संधानार्थं पुनर्विवाहापेक्षानिषेधातिक्रमनिमित्तप्रायश्चित्तमात्रानुष्ठानोत्तरं तु पूर्वपतिना तत्स्वीकारे न कोपि विरोध इति वाच्यम्। निषिद्धेनापि पुनर्भूविवाहेन रोगिणीसंचारिरोगदोषान्वितकुलजाविवाहेनेव भार्यात्वोत्पत्तौ बाधकाभावात्। तत्र प्रजानुत्पत्तिरोगसंचारादिरूपदृष्टविरोधपरिहारवदत्र "इत्येताः **कश्यप**प्रोक्ता दहंति कुलमग्निवत्" इत्यादिवचनबोधितकुलक्षयादिपरिहारस्यैव फलत्वात्। अत एव **मेधातिथिना** ब्राह्मणादीनां निषिद्धेषु गांधर्वादिविवाहेषु विवाहकार्यसिद्धिरंगीकृता। किं च विवाहप्रकरणाधीतोऽन्यपूर्वापर्युदासस्तदंगमपि विषयविशेषे पुनर्भूविवाहविधिना बाधित एव। युगविशेषपुरस्कारतन्निषेधस्तु विवाहप्रकरणाधीनतो न तदंगमिति न तदतिक्रमे भार्यात्वानुत्पत्तिः। किं तु स्वतंत्रः पुंसः प्रत्यवायः। किं च विवाहप्रकरणाधीनयोः कन्यानन्यपूर्वाशब्दयो**र्मेधातिथि**मतेऽनुपभुक्तपूर्वस्त्रीवचनात्क्षतयोनिपुनर्भ्वामस्तु भार्यात्वानुत्पत्तिः। एतैस्तु अक्षतयोनेरेव विचारगोचरत्वांगीकाराद्दत्तसंस्कारमात्रायामक्षतयोनौ तस्यां भार्यात्वोत्पत्तौ किं बाधकम्। तस्मात्

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[1] अ. १२ श्लो. ४७.

द्वितीयविवाहोत्पन्नोत्तरभार्यात्वापोदितपूर्वभार्यात्वापादानाय पूर्वपतिना समं तद्विवाहस्यावश्यकत्वात्तस्य च कलौ निषेधान्नेयं पूर्वपतिस्वीकारार्हा । किं च सर्वधर्मशास्त्रे पुनर्भूतत्पातितदपत्यानामसंव्यवहारत्वमात्रं तत्र तत्रोक्तम् । न तु क्वापि प्रायश्चित्तम् । किंचित् तेन तेषां पतितोत्पन्नमपत्यवत्प्रायश्चित्तानर्हत्वावगमात्पुनर्भूसंसर्गपरिहाराय स्वस्य पुनर्भूपातित्वपरिहाराय च शास्त्रतो न सा पूर्वपतिना स्वीकार्येति प्रत्यक्षरव्यधिकरणवाचोयुक्तावपि कथंचित्परिष्कृतेऽस्मिन्केषांचिन्मतेऽभ्युपेक्ष्य तावद्ब्रूमः । भवत्वियं पुनर्भू गतप्रत्यागता भवतु च तस्या विवाहविना पूर्वपत्यसंग्राह्यत्वम् । न पुनरयं विवाहः कलौ निषिध्यते । "ऊढायाः पुनरुद्वाहमि"त्यस्य "हृताक्षतायाः कन्यायाः पुनर्दानं परस्य च" इति **स्मृत्यंतरैक**वाक्यतया "सा चेदक्षतयोनिः स्यादि"त्येतद्वाक्यविहितकौमारपतिभिन्नकर्तृकद्वितीयविवाहनिषेधकत्वादेकमूलकल्पनालाघवात् । अत एव पूर्वपतिकर्तृकद्वितीयविवाहस्य पुनर्भूत्वापादकत्वेऽपि न निषेधविषयता ।

वस्तुतस्तु न तस्य तथात्वं परिवेत्तृकर्तृके द्वादशादिवर्षप्रतीक्षोत्तरकृतौर्ध्वदैहिकपुनरागतकर्तृके च पुनर्विवाहे पुनर्भूव्यवहाराभावेन लोकव्यवहारबलात्पूर्वपतिभिन्नकर्तृकस्यैव विवाहस्य तथात्वावसायात् पुनःसंस्कारनिमित्तकपुनर्भूलक्षणार्थे "कन्यैवाक्षतयोनिर्वेत्यादि"**नारदीये** सामान्योक्तावपि तत्तुल्यार्थे "सा चेदक्षतयोनिः स्यादिति" **मानवे** सर्वैः कौमारपतिभिन्नस्यैव पौनर्भवत्वेन व्याख्यानाच्च उपपदाभावादाद्यविवाहपरेणोढाशब्देन समभिव्याहारात्पुनःशब्दाच्च तदव्यवहिततत्सजातीयविवाहपरात्पुनरुद्वाहशब्दादप्याद्यपरिणेतृभिन्नविवाहस्यैव निषेधोऽवगम्यते । यद्यपि तावत्पुरुषसंप्रयोगमात्रापनोद्यस्य कन्यात्वस्य संस्कारमात्रेणानपगमात्संस्कृताया अपि कन्याशब्दवाच्यत्वादनन्यपूर्वाशब्दस्य च तत्पर्यायत्वादनिषिद्धत्वान्निषिद्धत्वेऽपि वा रोगिण्यादिविवाहवदाद्यवोढृतदन्यकर्तृकयोर्द्वयोरपि आद्यभिन्नविवाहयोर्भार्यात्वोत्पादकत्वं तथापि भिन्नकर्तृक एव विवाहस्तत्कर्तृकाद्यविवाहसजातीयोऽपूर्वभार्यात्वोत्पादकत्वम् । तथापि भिन्नकर्तृक एव विवाहस्तत्कर्तृकाद्यविवाहसजातीयोऽपूर्वभार्यात्वोत्पादकतयाऽभिमतो न तु तत्कर्तृक एवान्यस्तस्य नष्टतत्संधानार्थत्वात् । यदा त्वनन्यपूर्वापुनर्भूशब्दयोः पर्यायत्वात्पुनर्भूत्वे च संस्कारपुरुषसंयोगयोर्द्वयोरपि प्रत्येकं हेतुत्वस्य **मूलकृन्नारदा**दिस्मृतिकारै**र्विज्ञानेश्वरा**दिनिबन्द्धभिश्च बहुषु स्थलेषूक्तत्वादादानेनोपभोगेन वेत्यादिविवरणाच्चानन्यपूर्वाशब्दस्य तत्पर्यायत्वात्संस्कृतान्यानुपभुक्तस्त्रीवचनत्वम् । या तु **मेधातिथेः** कन्याशब्दस्यानुपभुक्तमात्रस्त्रीवचनत्वोक्तिः पैशाचविवाहलक्षणव्याख्यानावसरे सा तस्यान्यासंस्कृतामात्रवचनत्वरूपप्राचीनमतनिराकरणमात्राशया । तथा च संस्कृतोपभुक्तपूर्वयोर्द्वयोरपि विवाहः पर्युदस्त एव । यत्तु "वोढुः कन्यासमुद्भवामिति" "वोढुः स गर्भो भवतीति" च पुरुषसंप्रयोगहेतुकपुनर्भूविवाहदर्शनं तत्र यद्यपि कन्यायाः प्रायश्चित्तापनीतदोषाया विवाहसंभवोक्तुं शक्यस्तथापि "मातामहसुतोमत" इति पक्षे पुत्रस्य मातामहेन संगृहीतत्वात्केवलायास्तत्संभवेऽपि "वोढुः कन्येति" पक्षे गर्भिण्या इव सपुत्रायास्तदसंभवादेकस्तावदयं परिहारः । नात्र नियुक्ताक्षतपुनर्भूवद्विवाहो विधीयते । कन्याया एव च विवाहविधानादन्यतोऽपि नासौ प्राप्नोति । अतो अनन्यगत्या तत्संस्कारवोढृत्वोक्तिः स्वीकारमात्रविषया । संस्क्रियते स्वीक्रियते वोढुः स्वीकर्तुरित्यर्थः । तथा च नेदं विवाहदर्शनमिति । अपरस्तु भवत्विदं विवाहविधानम् । तथापि नासौ भार्यात्वोत्पादको नियुक्ताविवाहवत् । किं तु वाचनिकं धर्ममात्रं सहोढकानीनपुत्रपरिग्रहांगं दत्तकपुत्रपरिग्रहांगहोमादि-

वत् । भार्यात्वोत्पादके संस्काररूपविवाह एव च द्वितीयानिर्देशात्कन्यात्वमंगं नान्यत्र स्वभार्यात्वाभावान्नियुक्तावच्च तद्गमनविधानाभावात्तद्गमने तु प्रत्यवाय एवेति । यदपि "सा चेदक्षते"त्यादिसंस्कारहेतुकपुनर्भूविवाहदर्शनं तत्र विवाहविधेः स्पष्टत्वादाद्यपरिहारासंभवात्पौनर्भवपुत्रोत्पादकगमनांगभूतमक्षतयोनौ वाचनिकं तत्र विवाहविधेः स्पष्टत्वादाद्यपरिहारासंभवात्पौनर्भवपुत्रोत्पादकगमनांगभूतमक्षतयोनौ वाचनिकं धर्ममात्रमित्येवतावदेकः परिहारः"। पुनःसंस्कारत्वोक्तिश्च भार्यात्वाभावे सहोढादीनां कथं तत्पुत्रत्वमिति वाच्यम् । तदभावेऽपि लौकिकस्वत्वमात्रेण पौत्रिकेयकानीनयोरिव मातामहपुत्रत्वस्य तेषां तत्पुत्रत्वस्य संभवात् । अत एव तत्र तत्र तेषु ब्राह्मणाद्यभावोक्तिर्दृश्यते । स्वत्वं च कन्यायां गर्भिण्यां "या पत्या वा परित्यक्तेति" प्रागुक्तायां सा चेदिति तच्छब्दपरामृष्टायामक्षतयोनौ च पित्रादिदानात्स्वयंदानाद्वेति ।

अपरस्तु पुनःशब्दात्संस्कारविवाहस्यैव प्रत्यभिज्ञानात्सामान्यभूतानन्यपूर्वापर्युदासापवादेन विषयविशेषे भार्यात्वोत्पादकतद्विधिरेवायं पर्युदासश्च क्षतयोनिभर्त्रधीनाक्षतयोनिविषयकः भर्तृपरित्यागेन तन्नाशेन वा मध्यकायाश्च वचनवशात्पित्रादिभिः परिग्रहेण स्वत्वमापाद्यदानसंभवान्न ब्राह्मणादिरूपत्वेऽपि तद्विवाहस्य वैगुण्यं गांधर्वादिरूपत्वाद्वा न तदपेक्षेति । यद्वा द्विविधाया अपि पुनर्भ्वा अयं विवाहो वैधोऽपि श्येनतुल्य एव । अत एव तत्पतितत्पुत्राणां श्राद्धादौ प्रतिषेधादसंव्यवहार्यत्वं तत्र तत्रावगम्यत इति प्राचीनसरणयः । अत्र च सर्वत्र मूलभूताः प्रामाणिकनिबंद्धृणामुक्तयो न्यायाश्च सम्यक्परिशीलितधर्मशास्त्रपूर्वमीमांसानामुपासितगुरूणां सुलभा एव ।

मम तु प्रतिभाति संस्कारपुनर्भूविवाहविधिवदुपभोगपुनर्भूविवाहविधिरपि विषयविशेषे सामान्यभूतानन्यपूर्वापर्युदासापवादरूपो भार्यात्वानुकूल एव । पर्युदासश्चासंजातपुत्रा संजातगर्भोपभोगपुनर्भूविषयकः । उपभोगमात्रेण च पुत्रिकावदुपगंतृस्वत्वाभावात्पित्रादिभिर्दानमुपभुक्तमात्रायाः संभवत्येव शास्त्रातिक्रमपूर्वकत्वात्केवलदृष्टार्थत्वाच्च केवलं निंद्योऽन्यपूर्वाविवाहः । यद्वाऽनन्यपूर्वायामलभ्यमानायामनुकल्पत्वेन द्विविधाया अप्यन्यपूर्वाया विवाहः शास्त्रेण विधीयते । यथा केषांचिन्मते पंचमसप्तमपर्यंतं विवाहे निषिद्धेऽर्वाक् तद्विधिरनुकल्पतया तद्वत् ।

अत्रायं निष्कर्षः । संस्कारपुनर्भूविवाहवन्नियुक्ताविवाहवच्चोपभोगपुनर्भूविवाहस्यापि भार्यात्वजनकतया धर्ममात्रतया वा धर्म्यत्वे कलौ शिष्टानां तदननुष्ठानस्य मूलभूतं कलिनिषेधवाक्यं कल्पं भवति । "ऊढायाः पुन"रित्यनेन तन्निषेधासंभवात् । द्विविधपुनर्भूविवाहस्यापि श्येनतुल्यत्वे च कलौ संस्कारपुनर्भूविवाहनिषेधानुपपत्तिः । "कलौ युगे त्विमान्धर्मानि"त्यन्ययुगधर्माणामेवं कलौ निषेधावगमात् यथाश्रुततृतीयदशमादि**मेधातिथि**ग्रंथालोचनया संस्कारपुनर्भूविवाहस्य भार्यात्वोत्पादकतया वैधत्वमेव । उपभोगपुनर्भूविवाहस्य तु वोढुरिति पदस्य स्वीकर्तृवचनत्वाद्वैधत्वमेव न । वैधत्वेऽपि वा धर्ममात्रत्वमित्यंगीक्रियमाणेऽपि **विज्ञानयोगि**प्रभृतीनां श्राद्धादिषु पौनर्भवादिनिषेधस्य भ्रमप्रसक्तिपूर्वकत्वांगीकारः "सजातीयेष्वयमि"त्युपसंहारोपपत्तये च तेषामेव जनकद्वारा सजातीयत्वोक्तिरूपनयनाद्यभावोक्त्यादिकं च सर्वं विरुद्धमापद्येत । **मेधातिथे**रपि वर्णलक्षणाव्याप्तिशंकाग्रंथे पौनर्भवग्रहणमसंगतं स्यादिति बहु व्याकुलं भवति । तस्मादुपभोगपुनर्भूविवाहविधेरस्पष्टत्वादस्तु तत्रावैधत्वपक्षोऽपि । वैधत्वेऽपि श्येनतुल्यत्वं धर्ममात्रं वा अंत्ये चाचारानुमितः

कलौ तन्निषेधः संस्कारपुनर्भूविवाहस्य तु विधेः स्पष्टत्वात्कलिनिषेधानुपपत्तेश्च वैधत्वेऽपि धर्ममात्रत्वमेवेति दिङ्मात्रमत्र। विस्तरस्त्वन्यत्र बोध्यः। ततश्चानन्यपूर्वाशब्देन संस्कृतोपभुक्तपूर्वयोर्द्वयोरपि विवाहस्य पर्युदस्तत्वात्तदतिक्रमे च रोगिण्यादिवद्दृष्टविरोधाभावेन भार्यात्वानुत्पत्तेरेव स्वीकार्यत्वान्न द्वितीयकर्तृकविवाहस्य भार्यात्वोत्पादकता न च "दहंति कुलमग्निवदि"त्यादिवाक्यबोधितकुलक्षयादिरूपदृष्टविरोधसत्वान्नदभावोऽसिद्ध इति वाच्यम् । तस्यार्थवादमात्रतया भार्यात्वानुत्पत्तेरेव तत्रालंबनत्वात् । अनन्यपूर्वत्वस्य कुलक्षयादिपरिहारमात्रोपयोगित्वे च विवाहस्यावांतरभार्यात्वे परमफले च रतिप्रजादावनुपयोगितया स्वतंत्रपुरुषार्थत्वापत्तेर्वाक्यप्रकरणावगम्यमानविवाहांगत्वभंगापत्तेः । "कांताऽरोगिणी भ्रातृमती"त्यादीनां दृष्टरतिप्रजाद्युपभोगसंभवाददृष्टभार्यात्वानुपयोगित्वेऽपि फलिसंस्काराणामिव न विवाहांगत्वानुपपत्तिः । संचारिरोगदोषरहितकुलजत्वस्यापि दौःशील्यव्याध्यादिपरिहारार्थतया तस्मादनुशिष्टं पुत्रं लोकामाहुरित्यादिवाक्यावगते समीचीनप्रजारूपे दारसंग्रहफले उपभोगितया विवाहांगत्वोपपत्तेर्दृष्टार्थत्वमेव । अस्ति च कन्याकुलरोगदोषाणां प्रजायामपि संचारे स्वतंत्रप्रमाणम्। "मातुः कुलं द्विपदो हरंति"। "सर्वे संक्रामिणो रोगा वर्जयित्वा हि कामि"त्यादि। एतदर्थमेव च विवाहप्रकरणे संचारीति रोगदोषाणां। न च पुनर्भूत्वस्य कुलक्षयादिहेतुत्वे किंचित्प्रमाणं तादृशमस्ति । दहंति कुलमित्यादेर्विवाहविधिशेषतयाऽर्थवादमात्रत्वात् ।

यस्तु **मेधातिथे**र्ब्राह्मणादिष्वपि गांधर्वादेर्भार्यात्वहेतुत्वाभ्युपगमः स ब्राह्मणादिष्वपि गांधर्वादेः "षडानुपूर्व्या विप्रस्ये"त्यादिना विहितत्वात्। "चतुरो ब्राह्मणस्याद्यान्प्रशस्तान्कवयो विदुः" इति वचनादनुकल्पत्वं तु तेषां न त्वत्यंतनिषिद्धता ।अत एव "निंदितैर्निन्दिता नृणां तस्मान्निंद्यान्विवर्जयेत्" इति निषेधः प्रशस्तब्राह्मादिविवाहाभावमनपेक्ष्याद्यप्रभृतिविषयतया तेन व्याख्यातः । अत एव च विहितप्रतिषिद्धा निंदिता अत्यंतनिषिद्धा गर्ह्या इति विभागो ग्रंथांतरे **नारायणादीनां** **मेधातिथि**ग्रंथाशयमज्ञात्वा यत्किंचित्प्रलापितमुपेक्षैव युक्ता ।

तथा च द्वितीयकर्तृकविवाहस्य निषिद्धत्वेन दानरूपांगाभावेन च भार्यात्वानुत्पादकत्वादाद्यकर्तृकस्यापि द्वितीयस्य न भार्यात्वोत्पादकत्वम् । किं तु पुनरुपनयनवत्प्रायश्चित्तमात्ररूपत्वमिति प्रामाणिकबहुनिबन्धसम्मतः पक्षः समाश्रीयते। तदापि "ऊढायाः पुनरुद्वाहमि"त्यनेन रागप्राप्तत्वेन सजातीयो द्वितीयकर्तृक एव विवाहो निषिध्यते । न तु प्रायश्चित्तरूपतया विधिमात्रप्रयुक्तत्वेन विजातीय आद्यकर्तृको द्वितीयः । तथा चास्य कलावप्यनुष्ठानसंभवात्पुनर्भूत्वनिमित्तप्रायश्चित्तपूर्वकं गतप्रत्यागतात्वनिमित्तकद्वितीयविवाहपूर्वकं च पूर्वपतिनाऽस्याः स्वीकारेण कोऽपि विरोध इति । वस्तुतस्तु नेयं पुनर्भूगतप्रत्यागता **वसिष्ठोक्ते**स्तस्याः पुनर्भूत्वेऽपि द्वितीयपुरुषसंप्रयोगमात्रापेक्षित्वेन तद्विवाहानपेक्षत्वात्क्षतयोनित्वस्यापेक्षितत्वाच्चात एव **कुल्लूकभट्टादिभि**स्तथैव सा व्याख्याता । **सर्वज्ञ**व्याख्यानं तु निर्मूलं "या पत्या वा परित्यक्ते"त्येतस्या एव तच्छब्देन परामृश्यगतप्रत्यागतात्वोक्तेः पूर्वापरानालोचनपूर्वकं चेत्यज्ञव्याख्यानमेव । वस्तुतस्तु गतप्रत्यागता स्वैरिणी न तु पुनर्भूः "कौमारं पतिमुत्सृज्येति" **नारदेन** स्वैरिणीमध्येऽस्या उक्तेः । यत्तु **वसिष्ठे**नास्या अन्यमेवाश्रितायाश्च पुनर्भूत्वमुक्तं तत्पुनर्भूशब्दस्यान्यपूर्वामात्रवचनत्वमभिप्रेत्य द्वितीयाज्जातो यदि तमेवाश्रिता तस्यैवासौ पौनर्भवः पुत्रः यदि पुनः पूर्वमाश्रिता ततः पूर्वस्येति विभा-

गेन तत्पुत्रस्य पौनर्भवमध्येऽन्तर्भावार्थम् । नियोगाभावेन तस्याक्षेत्रजत्वात् । एवमाशयकत्वं च तस्य पुत्रप्रकरणे उक्तेर्गम्यते । **मानवस्य** पुनर्भूत्वोक्तेरप्ययमेवाशयस्तत्रैवोक्तेः । अन्यथा पुनर्भूलक्षणोक्तिपर**योगीश्वरनारदादि**वाक्यविरोधापत्तेः ।

यद्वा पुनर्भवते प्राप्नोतीति व्युत्पत्त्या तत्र पुनर्भूपदं यौगिकं उद्देश्यभेदेनावश्यावृत्तिकस्य **मानवे** पौनर्भवपदस्य भिन्नार्थकत्वेऽपि क्षम्यभावादित्यादिदिङ्मात्रं । विस्तरस्त्वन्यत्र बोध्यः । ततश्च गतप्रत्यागतात्वाभावात्पुनर्विवाहोऽपि पूर्वपतिना सहास्या नापेक्षितः । अदृष्टार्थस्यास्य यावद्वचनमेव प्रवृत्तेरन्यथाव्यभिचारमात्रे तदपेक्षापत्तेः । किं तु पुनर्भूत्वनिमित्तकप्रायश्चित्तमात्रं । तच्च यद्यपि न क्वचिद्विशिष्योक्तं तथापि तत्परिणेतुः कौमारपतिभिन्नस्य पुंसो यत्तदेवार्धक्लृप्ता तस्या अपि यद्यपि पुनर्भूविवाहेऽपि प्रायश्चित्तं न क्वचित्तथोक्तं तथापि सगोत्रासपिंडादिविवाहे यदुक्तं तदेव तत्रापि भवति

"बहूनामेककार्याणामेकस्यापि यदुच्यते । सर्वेषां तद्भवेत्कार्यमेकरूपा हि ते स्मृता" ॥

इत्युक्तेः । न च यस्मिन्निमित्ते पुंसो यश्चित्तं स्त्रिया अपि तस्मिन्निमित्ते तदेव स्त्रीणामर्धं प्रदातव्यमित्युक्तेरर्धकल्पनया युक्तम् । पुनर्भूविवाहप्रायश्चित्तस्य त्वर्धं स्त्रियाः कथं भवेत् । तन्निमित्ताभावात् । अत एव स्त्रियाः परपुरुषगमने निमित्ताभावेन परदारागननिमित्तकप्रायश्चित्ताप्राप्तौ तत्प्राप्त्यर्थं वचनं पृथगारब्धम् । "यत्पुंसः परदारेषु तच्चैनां चारयेद्व्रतमिति" सपिंडादिविवाहप्रायश्चित्तार्थं तु स्त्रिया युक्तं तस्या अपि तन्निमित्तसत्वादिति वाच्यम् । पुनर्भूत्वापादकस्य विवाहस्य प्रायश्चित्ते निमित्तभूतस्य स्त्रिया अपि विद्यमानत्वात् । रजस्वलागार्भिण्यादिगमने स्त्रिया अपि प्रायश्चित्तप्राप्त्यर्थं प्रतियोगित्वादिसंबंधविशेषाविवक्षया संबंधसामान्यविवक्षावादिहापि तथा संभवाच्च । यद्यप्यनेन न्यायेन परदारापगमनविशेषकर्तृत्वस्य पुंसि वा स्त्रियामपि संभवात्परदारागमननिमित्तकप्रायश्चित्तोपदेशेनैव स्त्रिया अपि तत्प्राप्तिसंभवाद्यत्पुंसः परेत्यतिदेशवैय्यर्थ्यमाभाति तथापि तत्परिहारोऽन्यत्र स्पष्टस्तत एव बोध्यः ।

न च सपिंडादिविवाहप्रायश्चित्तस्यैव पुनर्भूविवाहेऽपि स्वीकारे तद्वदेव तत्कर्तृपरिपाल्यत्वस्यापि प्राप्तौ पूर्वपतिस्वीकार्योक्तिः पुनर्भ्वाः कथमिति वाच्यम् । न हि मात्रैवच्चैनां विभृयादिति प्रायश्चित्तांतगत्या विधीयते । किं तर्हि । प्रायश्चित्तेन दोषनिरासाद्वोढुः सपिंडादिस्त्रीगमनशंकायां तत्प्रतियोगिकभार्यात्वाभावात्पित्रादिना तस्या अन्यस्मै दानसंभवशंकायां चोभयनिवृत्त्यर्थं स्वातंत्र्येणेदं विधीयते । न चेह पूर्वपत्युर्विद्यमानत्वात्तथा काऽपि शंकेति । नात्र तद्विधिप्रवृत्तिः । किं तु प्रायश्चित्तस्यैवापेक्षितत्वादिति युक्तम् । यश्च पुनर्भूभर्तुः श्राद्धादौ प्रतिषेधः सकृतप्रायश्चित्तस्यापि कृतघ्नादिवन्निवृत्त्यर्थः । विहितपुनर्भूविवाहविषयो वा न त्वकृतप्रायश्चित्तविषयस्तस्यैवास्वैभिरनिर्णिक्तैरित्यनेनैव प्रतिषेधात् तदपत्यानां तु वर्णानुलोमजबहिर्भूतानां प्रायश्चित्तानर्हाणां श्राद्धादौ प्रसक्तिरेव नास्तीति कुंडगोलकादिवत्प्राकट्यार्थ एव तेषां तत्र प्रतिषेधः । एवं पुनर्भ्वा अपि यदि क्वचित्संहारप्रतिषेधः स्यात्ततः सोऽनंतरोक्तयुक्त्या कृतप्रायश्चित्तविषय एवेति तद्बलात्पूर्वपतिना तत्संग्रहो न स्यात् । न तु स क्वचिदस्ति पुनर्भूपतिनिंदाप्रतिषेधौ तु पुनर्भूत्वापादकविवाहकर्तृविषयकौ । पुनर्भूत्वस्यापि विशेषणत्वात्तस्यैव निषिद्धाच्चान्यथोपलक्षणत्वस्य निषेधांतरकल्पनस्य चापत्तेः । न च पूर्वपत्त्युस्तत्परिणयाभ्युपगमेऽपि स पुनर्भूत्वापादकः । किं तु तदन्यकर्तृक एवे-

त्युक्तम् । तस्मात्कैश्चिदपि प्रामाणिकैर्निबंधकारैरचुंबितेऽस्मिन्विषये मम तावदेवं प्रतिभा । यदेकेन यथाविधिपरिणीता तेन क्षतयोनिरक्षतयोनिर्वा तस्मिन् जीवत्येव याऽन्येन तथैव परिणीतमात्रा भुक्ताऽपि वा सा द्वितीयविवाहनिमित्तकं सपिंडादिविवाहप्रायश्चित्तमेव पूर्वोक्तरीत्या पुनर्भूविवाहेऽपि प्राप्तमर्धक्लृप्त्या कृत्वोपभोगे तन्निमित्तकमिति प्रायश्चित्तं कृत्वा त्यक्ततत्संसर्गा पुनः पूर्वपतिना धर्ममात्रं विवाहं कृत्वाऽकृत्वैव वा स्वीकर्तुं योग्येति । अनुष्ठानं तु प्रामाणिकैः सह विचार्य कार्यमिति दिक् ।

प्रकृतमनुसरामः । सहोढजाभावेऽपविद्धः । तत्स्वरूपमप्युक्तम् । अयमेव मूलोक्तः क्रमो नान्योक्तोऽन्यादृश इत्यपि प्रागुक्तम् । प्राच्यानां तु मूलाद्युक्तवैधक्रमत्यागेन **नारदीय**पाठजक्रमाङ्गीकरणांतबलाबलाज्ञाननिबंधनामिति बोध्यम् । अत अत्र वयं ब्राह्मणस्तु शूद्रायामित्याद्युक्त्या

"क्षेत्रजादीन्सुतानेतानेकादश यथोदितान् । पुत्रप्रतिनिधीन्प्राहुः क्रियालोपान्मनीषिणः" ॥ इति **मनुनोक्तत्वात्** (९।१८०), "यत्र क्व च नोत्पादिदस्तु द्वादश" इति **विष्णूक्तेः**, "ब्राह्मणेन न कर्तव्यं शूद्रस्यैवौर्ध्वदेहिकम् । शूद्रेण वा ब्राह्मणस्य विना पारशवात् क्वचित्" इति **पारस्करोक्तेश्च** प्रागुक्तद्वादशविधपुत्राभावे शूद्रापुत्रस्यापि द्विजपित्रौर्ध्वदेहिकेऽधिकार इति प्रतीयते । **विज्ञानेश्वरादिभिस्तु** मूलाद्यनुक्तत्वात् "यद्यपि स्यात्तु सत्पुत्र" इत्यादि **मनुना** चान्यपुत्राभावेऽपि तस्य कृत्स्नदायालाभोक्ते "यश्चार्थहरः स पिंडदायीति" च **विष्णवापस्तंबाभ्या**मुत्सर्गतो रिक्थग्रहणस्य श्राद्धाद्यधिकारप्रयोजकत्वोक्तेः षंढादिवत्तस्याप्यनधिकारावगमनाधिकारिषु परिगणितः। तत्त्वं तु प्रागुक्तमेव । "भ्रातॄणामिति" **मानवस्य** गतिरप्युक्तैव । सपत्नीपुत्रस्य तु गौणपुत्रत्वमस्त्येव । तेन स्त्रीश्राद्धे औरसस्तदभावे पौत्रिकेयस्तदभावे सपत्नीपुत्रस्तदभावे क्षेत्रजाद्यधिकारिक्रमः । "बह्वीनामेकपत्नीना"मिति **मानवस्य** प्राग्वद्व्याख्यानसंभवेऽपि

"विदध्यादौरसः पुत्रो जनन्या और्ध्वदेहिकम् । तदभावे सपत्नीजः क्षेत्रजाद्यास्तथा वृता ॥
"तेषामभावे तु पतिस्तदभावे सपिंडकाः" । इति **कातीयात्** ।

एतेन "पुत्राभावे दुहिता तदभावे सपत्नीज" इति **शूलपाण्युक्त**क्रमः परास्तः । पुत्रस्य चानुपनीतस्याप्याधिकारः ।

"न ह्यस्मिन्युज्यते कर्म किंचिदामौंजिबंधनात् ॥ "नाभिव्याहारयेत् ब्रह्म स्वधानिनयनादृते" इति (२।१७१-७२) **मनोः**। स च कृतचूडस्यैव । त्रिवर्षादूर्ध्वं त्वकृतचूडस्यापि । तथा च **सुमंतुः**

"अनुपेतोऽपि कुर्वीत मंत्रवत्पैतृमेधिकम् । यद्यसौ कृतचूडः स्याद्यदि स्याच्च त्रिवत्सरः" ॥ इति । एवं चानुपनीत इत्यत्राब्राह्मण इतिवदर्थो बोध्यः । अत एव ततः पूर्वस्य न तेन ग्रहणम् । यत्तु **श्राद्धदीपिकादौ**

"कृतचूडस्तु कुर्वीत उदकं पिंडमेव च । स्वधाकारं प्रयुंजीत वेदोच्चारं न कारयेत्" ॥ इति **व्याघ्रनाम्ना** लिखितं तन्**मनु**विरोधादुपेक्ष्यम् । यदपि **देवयाज्ञिकेना**स्याद्यवर्षकृतचूडविषयत्वमुक्तं तदपि **सुमंतुवाक्ये** "यदि स्याच्च त्रिवत्सर" इति पृथगुक्तेस्ततप्रागपि कृतचूडस्य मंत्रवदधिकारावगमादयुक्तम् । अशक्तौ त्वग्निदानमात्रं समंत्रकम् । तेनाकार्यमन्यच्चान्येन ।

"असंस्कृतेन पत्न्या च ह्यग्निदानं समन्त्रकम् । कर्तव्यमितरत्सर्वं कारयेदन्यमेव हि"॥ इति **कातीयात्**। यत्तु **देवयाज्ञिकेन** शक्तेनाप्यनुपनीतेनाग्निदानमेव कार्यमित्युक्तं (पृ. ३३५ पं.८) तत्

"कुर्यादनुपनीतोऽपि श्राद्धमेकस्तु यः सुतः। पितृयज्ञाहुतिं पाणौ जुहुयाद्ब्राह्मणस्य सः" ॥

इति **वृद्धमनोः** श्राद्धेऽप्याधिकारावगमादयुक्तम् । एतच्चौरसाविषयमेव । अन्ये तूपनीता एवाधिकारिण इति **कालादर्शे** । प्रागुक्तसर्वपुत्राभावे पौत्रस्तदभावे प्रपौत्रः ।

"पुत्रः पौत्रः प्रपौत्रो वा भ्राता वा भ्रातृसंततिः । सकुल्यसंततिश्चैव क्रियार्हा नृपजातयः"॥

इति **वैष्णवात्** (३।१३।३०)

अत्र च पुत्रपदं जातावेकवचनांतं मुख्यगौणपुत्रपरम् । "पुत्रेषु विद्यमानेषु नान्यं वै कारयेत्स्वधामिति" **ऋष्यशृंगोक्तेः** । "नैतत्पौत्रेण कर्तव्यं पुत्रवांश्चेत्पितामाह" इति **कातीयाच्च** । क्षेत्रजादिषु पुत्रत्वोक्तेश्चेदमेव फलम् यत्पुत्रग्रहणेन तेषामपि ग्रहणमिति । तथा च

"पौत्रश्च पुत्रिकापुत्रः स्वर्गप्राप्तिकरावुभौ । ऋक्थे च पिंडदाने च समौ तौ परिकीर्तितौ"॥

इति **बार्हस्पत्यं** न पौत्रगौणयोर्विकल्पार्थं किं त्वधिकारमात्रबोधनार्थमिति बोध्यम् । **कालादर्शे** तु औरसाभावे पौत्रः प्रपौत्रश्च । तदभावे क्रमेण पुत्रिकापुत्रः क्षेत्रजदत्तकक्रीतकृत्रिमस्वयंदत्तापविद्धा इत्युक्तम् । "पुत्रः पौत्रः प्रपौत्रश्च पुत्रिकासुत एव चेति" **सुमन्त**वाक्यं च तत्र मानत्वेन लिखितम् । प्रपौत्राभावे पत्युः पत्नी पत्न्याश्च पतिः । तथा च **शंखः**

"भार्यापिंडं पतिदद्याद्भर्त्रे भार्या तथैव च । श्वश्र्वादेश्च स्नुषा चैव तदभावे सपिंडकाः" ॥

इति । "न भार्यायाः पतिर्दद्यात्पत्येभार्या तथैव च "इति **छंदोगपरिशिष्टं** प्रपौत्रसद्भावाविषयम् । "सर्वाभावे स्त्रियः कुर्युः स्वभर्तॄणाममंत्रकमिति" **मार्कंडेयम्** (२७।२२)। "कुलद्वये चोत्सन्ने स्त्रीभिः कार्या क्रिया नृपेति" **वैष्णवं**(३।१३।३२)चाऽसुरादिविवाहोढाविषयस्त्रीग्रहणात्। तथा च **शातातपः**

"धर्म्यैर्विवाहैरूढाया सा पत्नी परिकीर्तिता । स्वाधिकारिणो ह्येषा यज्ञादौ धर्मकर्मणि ।

"क्रयक्रीता तु या नारी न सा पत्न्यभिधीयते । न सा दैवे न सा पित्र्ये दासीत्वं मुनयो जगुरिति"॥

असवर्णाविषयं तदिति **शूलपाणिः** । अत्र च यद्यपि "अपुत्राशयनं भर्तुरिति" **वृद्धमनुवाक्ये** सहनिर्देशाद्विभक्तासंसृष्टस्य पत्नी तद्धनग्रहणाधिकारादविभक्तसंसृष्टस्य तु सोदरस्तस्य तदभावादिति प्रतीयते तथापि वचनात्सर्वत्रौर्ध्वदेहिकाद्यधिकारिणी भार्यैव । एकयोगनिर्दिष्टयोरापि वचनांतरवशाद्भिन्नाभिन्नविषयत्वेन दोषः । "यश्चार्थहर" इति तूत्सर्गः । दुहित्रादिसत्वे पुत्रादीनां मातृधनग्रहणेऽनधिकारेऽपि तदौर्ध्वदेहिकादावधिकारात्सर्वसंबंध्यभावेऽर्थग्राहिणास्तदधिकारबोधकं वा । **कालादर्शे** तु प्रागुक्तापविद्धांत "पुत्राभावे पत्नी तदभावे गूढजकानीनपौनर्भवसहोढा" इत्युक्तम् ।

"कानीनगूढसहजपुनर्भूतनयाश्च ये । पत्न्यभावे तु कुर्युस्ते अप्रशस्ता यतः स्मृताः" ॥

इति स **संग्रह**वाक्यं तत्र मानत्वेनोक्तम् । अप्राशस्त्यं च स्मृतं **विष्णुना** "अप्रशस्तास्तु कानीनेत्यादि" । पत्न्यभावे तु "पुत्राभावे तु पत्नी स्यात्पत्न्यभावे सहोदर" इत्यादिवाक्यैर्भ्रातुरधिकारः प्रतीयते ।

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१ "बन्धुर्वा"-इति वैष्णवे पाठः ।

"पुत्रेषु विद्यमानेषु नान्यं वै कारयेत्स्वधाम् । अपुत्रस्य तु या पुत्री साऽपि पिंडप्रदा भवेत्" ॥ इत्यादि **ऋष्यशृंगादि**वाक्यैर्दुहितुः ।

"अकृता वा कृता वापि" (९।१ ३६) इत्यादि **मानव**वादिभिश्च दौहित्रस्य । तत्रेत्थं व्यवस्था । विभक्ता-संसृष्टस्य पत्न्यभावे दुहिता पुत्रेष्वेत्यादि**ऋष्यशृङ्गोक्तेः** । तद्धनग्रहणे तस्या एवाधिकाराच्च । तथा च **वृद्धगुरुः** "भर्तुर्धनहरी पत्नी तां विना दुहिता स्मृते"त्यादि धनग्रहणस्य चोपकारव्याप्तत्वात् । "यश्चार्थहर" इत्यस्य च विरोधे व्यवस्थापनमपि फलं संभवत्येवं यद्यपि धनग्रहणमनूढाया अप्यस्ति तथापि पिंडदानादौ संस्कृतैवाऽधिकारिणी ।

"दुहिता पुत्रवत्कुर्यान्मातापित्रोस्तु संस्कृता । आशौचमुदकं पिंडं एकोद्दिष्टे सदा तयोः" ॥इति **भारद्वाजोक्तेः** । तस्यैव दुहित्रभावे दौहित्रः । तदभावे तस्यैव तद्धनग्रहणेऽधिकारात् । "अकृता-वे"त्यादि **मानवे** "अपुत्रपुत्रपौत्रसंताने"इत्यादि **वैष्णवे** च तेन सह निर्देशाच्च । तस्यैव दौहित्रा-भावे भ्राता "पत्नी दुहितरश्चैवे"त्यत्र **च**शब्दसंग्राह्यदौहित्रानंतरं तस्य तद्धनग्रहणाधिकारबोध-नात् । **संग्रहे** च स्पष्टमिदम्

"सुतः कुर्यात्पितुः श्राद्धं पत्नी च तदसन्निधौ । धनहार्यथ दौहित्रस्ततो भ्राताऽथ तत्सुतः" ॥ इति । पत्नी चेति चशब्दाद्दुहितेति । अविभक्तसंसृष्टस्य तु पत्न्यभावे भ्रातैव । तत्र पत्न्यभावे तु सोदर इत्यादिवाक्यप्रवृत्तेरविघ्नत्वात् । **आदित्यपुराणेऽपि**

"भ्रातुर्भ्राता स्वयं कुर्यात्तद्भार्या चेन्न विद्यते । तस्य भ्रातृसुतः कुर्याद्यस्य नास्ति सहोदरः"॥ इति। तत्र सोदरासोदरसमवाये सोदर एव । प्रत्यासत्तेः । तत्रापि ज्येष्ठकनिष्ठसमवाये कनिष्ठः ।

"नानुजस्य तथाग्रज" इति **छंदोगपरिशिष्टस्य** भ्रातृत्वादविशेषेणाधिकारप्राप्तौ कनिष्ठ-सद्भावे ज्येष्ठस्य तन्निषेधकत्वात् तत्समभिव्याहृतस्य "न योषितः पतिर्दद्यात्" "न पुत्रस्य पिता कुर्यात्" इत्यस्य वचनांतराविरोधायाधिकार्यंतराभावविषयत्वात् कनिष्ठबहुत्वे चादौ मृतानंतर-स्तदभावे तदनंतरः प्रत्यासत्तेः । कनिष्ठाभावे ज्येष्ठः। भ्रातृत्वात् । निषेधाप्रवृत्तेश्च ।

"यदि स्नेहेन कुर्यातां सपिंडीकरणं विना । गयायां तु विशेषेण ज्यायानपि समाचरेत्"॥ इति **छंदोगपरिशिष्टाच्च**।ज्येष्ठबहुत्वे च मृतानंतरक्रमेण।सोदराभावे भिन्नोदरः प्राग्वत् । तस्यापि भ्रातृत्वात् । केचित्तु दुहितृदौहित्रयोर्भिन्नगोत्रत्वात् "न कदाचित्सगोत्राय श्राद्धं कार्यमगोत्रजैः" इति च सगोत्रसत्वे भिन्नगोत्रस्य श्राद्धाद्यनधिकारोक्तेर्विभक्तासंसृष्टस्यापि भ्रातैव कुर्यादित्याहुः । तदभावे भ्रातृसुतः । "भ्राता वा भ्रातृसंततिः" इति **वैष्णवात्** । **आदित्यपुराणे** सहोदरग्रहणं भ्रातृमात्रोपलक्षणपूर्वं सामान्येनोक्तः सोदरासोदरभ्रातृपुत्रादिसमवाये प्राग्वत् । भ्रातृ-सुताभावे पिता । "पुत्रो भ्राता पिता वाऽपीति" **प्रचेतःस्मृतेः** । "दत्तानामप्यदत्तानां कन्यानां कुरुते पिता" इति **ब्राह्माच्च** । "न च माता न च पिता कुर्यात्पुत्रस्य पैतृकमिति" **कातीयं** तु भ्रातृसुतासत्वविषयम् ।मात्रभावे श्वशुरयोः स्नुषा "श्वश्र्वादेश्च स्नुषा चैव तदभावे सपिंडका"। इति **शंखोक्तेः** । स्नुषाया अभावे भगिनी । तत्रानुजाग्रजासोदरासोदरासमवाये भ्रातृवत् । तदभावे तत्पुत्रः । समवाये तद्वदेव । तथा च **कात्यायनः**

"अनुजा वाऽग्रजा वाऽपि भ्रातुः कुर्वीत संस्क्रियाम् । ततस्त्वसोदरा तद्वत्क्रमेण तनयस्तयोः"॥इति।

संग्रहेऽपि

"पत्नी भ्राता च तज्जश्च पिता माता स्नुषा तथा । भगिनी भागिनेयश्च सपिंडः सोदकस्तथा॥

"असंनिधाने पूर्वेषामुत्तरे पिंडदाः स्मृताः" ॥ इति । तदभावे पितृव्यतत्पुत्रादयः सपिंडाः प्रत्यासत्तिक्रमेण । तदभावे सोदकास्तथैव तदभावे मातामहमातुलतत्पुत्रादयो मातृसपिंडास्तत्क्रमेण । तदभावे तत्सोदकास्तथैव । तथा च **वैष्णवे** (३।१३।३०–३१)

"पुत्रः पौत्रः प्रपौत्रो वा भ्राता वा भ्रातृसंततिः । सपिंडसंततिश्चैव क्रियार्हा नृप जातयः ॥

"एषामभावे सर्वेषां समानोदकसंततिः । मातृपक्षस्य पिंडेन संबद्धा ये जलेन च" ॥ इति । तदभावे त्रिविधा बांधवाः । गोत्रजानंतरं शिष्यादितः पूर्वं तेषां धनग्रहणाधिकारोक्तेः । तत्रापि प्रत्यासत्तेरादौ स्वबंधवस्ततः पितृबंधवस्ततो मातृबंधव इति क्रमः । तदभावे स्त्री । तत्राप्याद्यासुरादिविवाहोढा सवर्णा तदभावे परिणीता सवर्णा । तदभावेऽवरुद्धाऽपि शूद्राभिन्नेतिक्रमः । तथा च तत्रैव "कुलद्वयेऽपीति" कुलद्वयपदेन च बांधवा अपि गृह्यंते । तेषामपि तत्संबंधात् । तदभावे गुरोः शिष्यस्तदभावे यजमानस्य ऋत्विक् । तदभावे शिष्यस्याचार्यः सब्रह्मचारी वा "पुत्राभावे सपिंडा" इत्यादि **गौतमोक्तेः** (१५।१३) । शिष्यानंतरं सब्रह्मचारिणो धनग्राहित्वोक्तेश्च राज्ञश्च पुरोहितो मंत्री भृत्यश्च क्रमेण ।

"मृते राज्ञः सपिंडेऽपि निरपत्ये पुरोहितः । मंत्री वा हतशौचं तु तीर्त्वा पश्चात्करोति सः"॥ इति **ब्राह्मात्** ।

"प्रमीतस्य पितुः पुत्रैः श्राद्धं देयं प्रयत्नतः । ज्ञातिबंधुसुहृच्छिष्यै ऋत्विग्भृत्यपुरोहितै"रिति। **गुरूक्तेश्च** । तदभावे जामाता श्वशुरस्य श्वशुरश्च जामातुः । तदभावे सख्युः सखा । तथा च **मार्कंडेयपुराणे**

"सख्युरुत्सन्नबंधोश्च सखाऽपि श्वशुरस्य च । जामाता स्नेहतः कुर्यादखिलं पैतृमेधिकम्"॥इति ।

ब्राह्मेऽपि "जामातुः श्वशुरश्चक्रे येषां तेषां ते चापि संयता[1]" इति । यद्यपि **मार्कंडेये** सख्युः पश्चाज्जामाता निर्दिष्टः । तथापि तस्याधिकारमात्रप्रतिपादनपरत्वात्संबंधविशेषाज्जामातुरेव प्राथम्यं युक्तमित्याशयेन **कालादर्शे** तथोक्तम् । तदभावे संघांतर्गताः प्रत्यासत्तिविशेषक्रमेण "संघातांतर्गतेर्वापि कार्या प्रेतस्य च क्रियेति" **वैष्णवात्** (३।१३।३३) । तदभावे ब्राह्मणधनग्रहणे राज्ञोऽनधिकारात्तस्य तद्गृहीषः कश्चिद्विप्रः "यश्चार्थहर" इति **विष्णूक्तेः** । विप्रभिन्नानां तु राजा धनं गृहीत्वा तेन धनेनान्येन कारयेत् । "उत्सन्नबंधुरिक्थानां कारयेदवनीपतिरिति" **वैष्णवात्** (३।१४।३३) । अस्य च विप्रभिन्नविषयत्वं तत्रैव "राज्ञा वा धनहारिणे"त्युक्तेर्गम्यते । राज्ञो विप्रधनग्रहानधिकारात् । मुमूर्षुणा वा संनिहितोकार्यभावे धर्मपुत्रः कार्यः । स च तस्य मृतस्य सर्वं कुर्यात् । "अपुत्रेण सुतः कार्य" इत्याद्युक्तेः । अत्र चापुत्रग्रहणं सन्निहिताधिकारिमात्राभावपरम् । पिंडोदकेत्याद्युक्तेः ।

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१ ख-संतिनिहिता ।

स्त्रीश्राद्धे त्वधिकारिक्रमे विशेषः। अनूढायाः पिता। तदभावे भ्रातादिः। ऊढायास्त्वौरसपुत्रिकापुत्राभावे सपत्नीपुत्रस्तदभावे क्षेत्रजाद्याः प्रपौत्रांतास्तदभावे पतिस्तदभावे दुहितृदौहित्रौ प्रागवत्। तदभावे पत्युर्भ्राता। तदभावे तत्पुत्रः। तदभावे स्नुषा। तदभावे पितृमातृभ्रातृतत्पुत्रादयः प्रागुक्ता विवाहेन तस्याः पितृगोत्रहान्या पतिगोत्रापत्तेर्न कदाचित्सगोत्रायेति निषेधाच्चेति।

एष्वधिकारिषु केषां किमवश्यकार्यमित्यपेक्षायां **वैष्णवे** उक्तम् (३।१४।३४–३९)

"पूर्वाः क्रिया मध्यमाश्च तथा चैवोत्तराः क्रियाः। त्रिप्रकाराः क्रिया ह्येतास्तासां भेदं शृणुष्व मे॥
"आदाहवार्याद्युधादिस्पर्शाद्यंताश्च याः क्रियाः। ताः पूर्वा मध्यमा मासि मास्येकोद्दिष्टसंज्ञकाः॥
"प्रेते पितृत्वमापन्ने सपिण्डीकरणादनु। क्रियंते याः क्रियाः पित्र्याः प्रोच्यंते ता नृपोत्तराः॥
"पितृमातृसपिंडैस्तु समानसलिलैस्तथा। संघातांतर्गतेनापि[1] राज्ञा वा धनहारिणा[2]॥
"पूर्वाः क्रियास्तु कर्तव्याः पुत्राद्यैरेव चोत्तराः। दौहित्रैर्वा नरश्रेष्ठ कार्यास्तत्तनयैस्तथा॥
"मृताहनि च कर्तव्याः स्त्रीणामप्युत्तराः क्रियाः। प्रतिसंवत्सरं राजन्नेकोद्दिष्टविधानतः"॥ इति।

अस्यार्थः। जलादिस्पर्शादिराशौचांत्यदिने उक्तत्वाद्दाहमारभ्याऽऽशौचमध्यकर्तव्याः क्रियाः पूर्वाः एकादशाहकृत्यमारभ्य सपिंडनपर्यंता मध्यमास्तदूर्ध्वा आब्दिकाद्या उत्तराः। तत्र सपिंडादिभिरपि नृपांतैः पूर्वाः कार्या एव। उत्तरास्तु न कार्याः। मध्यमासु त्वनियमः। पुत्राद्यैर्भ्रातृसंततैर्दौहित्रतनयैश्चोत्तरा अवश्यं कार्याः। मात्रादीनां पूर्वमध्यमावत्सर्वोत्तरक्रियाप्राप्तौ परिसंख्या। प्रत्यब्दं मृताहन्येव स्त्रीणामुत्तराः कार्या न तु दर्शादौ। तत्र तु पत्याद्यंशभागित्वमेव तासां तत्र चैकोद्दिष्टविधानत इति पाक्षिकैकोद्दिष्टानुवादः। इदं वृद्ध्यन्वष्टकादेरप्युपलक्षणम्। तत्रापि स्त्रीणां पृथक्श्राद्धोक्तेः।

"न योषिद्भ्यः पृथक् दद्यादवसानादिनादृते। स्वभर्तृपिंडमात्राभ्यस्तृप्तिरासां यतः स्मृता"॥इति **परिशिष्टात्**। पूर्वमध्यमास्तु पृथक् भवंत्येव। अत्र च राजभिन्नानां तदीयधनाभावेऽपि स्वद्रव्येण पूर्वक्रियास्वधिकारः। राज्ञस्तु तदीयधनसत्वे एव "राज्ञा वा धनहारिणे"त्युक्तेः "सर्वाभावे तु नृपतिः कारयेत्तस्य रिक्थतः" इति **मार्कंडेयाच्च** (२७।२३)। स्वयं तदीयधनग्रहे सपिंडादीनामपि नृपांतानां मध्यमोत्तराः अप्यावश्यकाः। तथा च **स्कान्दे**

"मलमेतन्मनुष्याणां द्रविणं यत्प्रकीर्तितम्। तद्गृह्णन्मलमादत्तेऽज्ञानिनां ज्ञानिनामपि॥
"ऋषिभिस्तस्य निर्दिष्टा निष्कृतिः पावनी परा। आदेहपतनात्कुर्यात्पिंडदानोदकक्रियाम्"॥इति।

पुत्रपौत्रप्रपौत्रपत्नी भ्रातातत्पुत्रमातापितृदौहित्रस्नुषाशिष्याणां तु तदीयधनाभावेऽपि उत्तरापर्यंतमावश्यकम्।

"पुत्राभावे च तत्पुत्रः पत्नी माता तथा पिता। वित्ताभावे च सच्छिष्यः कुर्यात्तस्यौर्ध्वदेहिकम्"॥ इति **मार्कंडेयात्**।

"व्रतस्थोऽपि यथा पुत्रः पितुः कुर्यात् क्रियां नृप। तथा मातामहस्याऽपि दौहित्रः कर्तुमर्हतीति"॥ **भविष्यपुराणाच्च**। स्त्रीणामप्येवमेव पूर्वादिक्रियाभेदेनाधिकारिव्यवस्था बोध्या।

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१ तत्संघातान्तर्गतैश्चेति विष्णुपुराणे पाठः। २ "स्वकुटुम्बिना" इति मार्कंडेयपाठः।

मि. पृ. १७० विशेषांतरमाह । **पिंडेति** । इत्येवम् **इत्यादिना** वैश्ये पंचदश शूद्रे त्रिंशत् । **यावदाशौचमिति** । प्रत्यहमिति शेषः । **पारस्करो**ऽपि

"ब्राह्मणे दशपिंडाः स्युः क्षत्रिये द्वादश स्मृताः । वैश्ये पंचदश प्रोक्ताः शूद्रे त्रिंशत्प्रकीर्तिताः"॥इति। **इदं** च देशविशेषविषयं न सार्वत्रिकम् ।

"जात्युक्तिशौचतुल्यांस्तु वर्णानां क्वचिदेव हि । देशधर्मान्पुरस्कृत्य प्रेतपिंडान्वपंत्यमी"॥ इति **ब्राह्मोक्तेः** । तथा च "प्रेतेभ्यः सर्ववर्णेभ्यः पिण्डान्दद्याद्दशैव तु" इति तदग्रिम**ब्राह्मात्सर्वस्मृतिपुराणादौ** दशानामेव पिंडानां शिरःप्रभृत्यवयवनिष्पत्तिरूपफलोक्तेर्विप्रस्याविच्छेदेनैव दशपिंडदानम् । अन्येषां च नवदिनपर्यन्तमविच्छेदे नवपिण्डदानम् । दशमपिंडदानं त्वाशौचांत्यदिने एव । तथा च **ब्राह्मे** "दिवसे दिवसे देयः पिंड एवं क्रमेण तु" इत्युपक्रम्योक्तम्

"देयस्तु दशमः पिंडो राज्ञां वै द्वादशेऽहनि । वैश्यानां वै पंचदशे देयस्तु दशमस्तथा ॥
"शूद्रस्य दशमः पिंडो मासे पूर्णे हि दीयते"॥ इति । तदेतदभिप्रेत्याह । **तथा स्मृत्यन्तरेऽपीति** । इदं च सामान्योक्त्या साधारणमिति स्पष्टमेव । अविरोधायाह । **शुचित्वेति** । **अपरे**ष्वुरेकादशाहादौ । एतेन "शुद्ध्येत्तु दशमेऽहनी"त्यपि व्याख्यातम् । अविरोधायाह । **योगीति** । "पिंडयज्ञावृता देयं प्रेतायान्नं दिनत्रयम्" इत्यनेनेति भावः । **उदकदानेति** कृत उपकारातिशयोऽकृते प्रत्यवायाभाव इति भावः ।

अत्र पिंडदानविषये । **ह्रासो** वक्ष्यमाणप्रकारेण । **अपिना** वृद्धिपरिग्रहः । अत्राप्येवाभ्यामपि प्रागुक्तं सूचितमिति बोध्यम् । पिंडदानप्रकारश्च **ब्राह्मे** एवं

"मृन्मयं भांडमादाय नवं स्नातः सुसंयतः । लकुटं सर्वदोषघ्नं गृहीत्वा तोयमानयेत् ॥
"ततश्चोत्तरपूर्वस्यामग्निं प्रज्वालयेद्दिशि । तंडुलप्रसृती तत्र प्रक्षाल्य त्रिः पचेत्स्वयम् ॥
"सपवित्रैस्तिलैर्मिश्रां केशकीटविवर्जिताम् । द्वारोपांते ततः क्षिप्त्वा सशुद्धां गौरमृत्तिकाम् ॥
"तत्पृष्ठे संस्तरेद्दर्भान्याम्यन्देशसंभवान् । ततोऽवनेजनं दद्यात्संस्मरेद्गोत्रनामनी ॥
"तिलसर्पिर्मधुक्षीरैः संसिक्तं तप्तमेव हि । दद्यात्प्रेताय पिंडं तु दक्षिणाभिमुखः स्थितः ॥
"फलमूलगुडक्षीरतिलमिश्रं तु कुत्रचित् । अर्घैः पुष्पैस्तथा धूपैर्दीपैस्तोयैश्च शीतलैः ॥
"ऊर्णातन्तुमयैः शुद्धैर्वासोभिः पिंडमर्चयेत् ।
"प्रयाति यावदाकाशं पिंडाद्बाष्पमयी शिखा । तावत्तत्संमुखास्तिष्ठेत्सर्वं तोये क्षिपेत्ततः ॥
"दिवसे दिवसे देयः पिंड एवं क्रमेण तु । एकस्तोयांजलिस्त्वेवं पात्रमेकं च दीयते ॥
"द्वितीये द्वौ तृतीये त्रींश्चतुर्थे चतुरस्तथा । पंचमे पंच षष्ठे षट् सप्तमे सप्त चैव हि ॥
"अष्टमेऽष्टौ च नवमे नवैव दशमे दश । एवं स्युः पंचपंचाशत्तोयस्यांजलयः क्रमात् ॥
"तावंति तोयपात्राणि संयुक्तानि तिलादिभिः" ॥ इति । एते च पंचपंचाशत्तिलतोयांजलयः पिंडोपरि देयाः । द्वितीयादिशब्देन सन्निहितपिंडानामेवोक्तेः पिंडानामवयवपूरकत्वमुक्त्वा सपात्रांजलीनामिंद्रियपूरकत्वोक्तेश्च । पूर्वतोयांजलीनां च तापोपशमनार्थत्वात् । तथा च **ब्राह्मे** एव

"शिरस्त्वाद्येन पिंडेन प्रेतस्य क्रियते तथा । द्वितीयेन तु कर्णाक्षिनासिकास्तु समासतः ॥
"गलांसभुजवक्षांसि तृतीयेन ततः क्रमात् । चतुर्थेन तु पिंडेन नाभिलिंगगुदानि च ॥

"जानुजंघे तथा पादौ पंचमेन तु सर्वदा । सर्वमर्माणि षष्ठेन सप्तमेन तु नाड्यः ॥
"दंतलोमानष्टमेन वीर्यं तु नवमेन च । दशमेन तु पूर्णत्वं तृप्तता क्षुद्विपर्ययः ॥
"एकादशेन्द्रियवधाः संति बुद्धिवधैः सह ॥
"सर्वेषामेव भूतानां परलोकसमागमे । प्रेतभावगतानां तु रौरवादिषु वर्तताम्[1] ॥
"पंचभिः पंचभिस्त्वेभिः पात्रैरंजलिभिस्तथा । एकादशैवेंद्रियाणि पूर्यंते शास्त्रदर्शनात्"॥इति

वैशंपायनादिभिरन्यथोक्तमन्यतो ज्ञेयम् । यत्र तु सद्यस्त्र्यहे वा दश पिंडदानमुक्तं युद्धमृतादौ तत्र तत्प्रकारोऽपि तत्रैव

"सद्यः शौचे प्रदातव्याः सर्वेऽपि युगपत्तथा । त्र्यहाशौचे प्रदातव्यः प्रथमे त्वेक एव हि ॥
"द्वितीयेऽहनि चत्वारस्तृतीये पंच चैव हि । एकस्तोयांजलिस्तद्वत्पात्रमेकं च दीयते" ॥ इति

प्रत्यहमेकस्तोयांजलिरेकं च पात्रमित्यर्थः । तदेतदभिसंधाय त्र्यहाशौचे प्रकारांतरं **पारस्करोक्त**माह । **त्रिरात्रेति** । **तथा** । कुर्यादिति शेषः ॥ १६ ॥

याज्ञवल्कीये १७ श्लोकः (आद्योऽर्धः)

मूलमाह । **किंचेति** । एवं चानेनैकं पात्रमिति भ्रमनिरासायाह । **पात्रद्वये इति** । **प्रथम इति** । प्रथमत्याग इति न्यायात् । गमकांतरमाह । **तथेति** । मृन्मये तां रात्रीं क्षीरोदके विहायसि निदधाय "प्रेत अत्र स्नाहि पिब चेदमिति" हि तद्वचनम् । तदेवाह । **प्रेतेति**। क्षीरमिति संस्थाप्यमित्यस्यानुषंगः । **गारुडे** तु "पृथक्शरावयोर्दद्यादेकाहं क्षीरमंबु च" इत्युक्त्वा त्रिदिनपक्षोऽप्युक्तः ।

"अपक्वे मृन्मये पात्रे दुग्धं दद्याद्दिनत्रयम् । काष्ठत्रये गुणैर्बद्धे प्रीत्यै रात्रौ चतुष्पथे" ॥ इति **मात्स्ये** तु यावदाशौचं तन्निधानमुक्तम्

"तस्मान्निधेयमाकाशे दशरात्रं पयस्तथा । सर्वतापोपशांत्यर्थमध्वश्रमविनाशनम्" ॥ इति ।

अन्यदप्युक्तं **गृह्यकारिकायाम्**

"तत्र प्रेतोपकृतये दशरात्रमखंडितं । कुर्यात्प्रदीपं तैलेन वारिपात्रं च मार्तिकम् ॥
"भोज्यात् भोजनकाले स भक्तमुष्टिं च निर्वपेत् । नामगोत्रेण संबुद्ध्या धरित्र्यां पितृयज्ञवत्"॥

इति । एवमन्यदप्यन्यतो ज्ञेयम् ।

विशेषमाह । **तथेति** । **दिने इति** पूर्ववृद्भ्यामन्वेति । यद्वा दिवैव तत्कार्यं न रात्राविन्यर्थकं तत् । तस्य प्रेतस्य गोत्रजैः सहेत्यर्थः । **क्वचिदिति** । **छंदोगपरिशिष्टे**ऽपि "अपरेद्युस्तृतीये वा अस्थिसंचयनं भवेत्" ॥ इति अपरेद्युर्द्वितीये । संचितानां प्रतिपत्तिमाह । **तेषां चेति** । तत्र विशेषो **ब्राह्मे**

"तत्स्थानाच्छनकैर्नीत्वा कदाचिज्जाह्नवीजले । कश्चित्क्षिपति सत्पुत्रो दौहित्रो वा सहोदरः ॥
"मातुःकुलं पितृकुलं वर्जयित्वा नराधमः । अस्थीन्यन्यकुलस्यास्य नीत्वा चांद्रायणं चरेत् ॥

१ वर्तितामिति पाठः समीचीनः ।

"अस्थीनि मातापितृपूर्वजानां नयंति गंगामपि ये कथंचित् ।
"सद्भावकस्यापि दयाभिभूतांस्तेषां तु तीर्थानि फलप्रदानि ॥ १ ॥
"कुलद्वयं चाप्यथ वर्जयित्वा मातापित्रोर्जन्म भूम्याश्रितं च ।
"अस्थीनि चान्यस्य नयन्वहंश्च भाग्यक्षयं लभते दुष्कृतं च ॥ २ ॥
"भागीरथी यत्र गता सुतीर्थे कुले नरः कोऽपि यदा विपन्नः ।
"तदा तदा तत्र तथाऽथ भक्त्या भावेन चास्थीनि विनिक्षिपेच्च ॥ ३ ॥
"स्नात्वा ततः पंचगव्येन सिक्त्वा हिरण्यमध्वाज्यतिलैश्च योज्यम् ।
"ततस्तु मृत्पिंडपुटे निधाय पश्यन्दिशं प्रेतगणोपगूढम् ॥ ४ ॥
"नमोऽस्तु धर्माय वदन्प्रविश्य जले समे प्रीत इति क्षिपेच्च ।
"उत्थाय भास्वंतमवेक्ष्य सूर्यं सदक्षिणां विप्रमुख्याय दद्यात् ॥ ५ ॥
"एवं कृते प्रेतपुरःस्थितस्य स्वर्गे गतिः स्याच्च महेन्द्रतुल्ये ॥" इति ।

अथैतत्प्रयोग उच्यते । अस्थीन्यादाय गंगातीरेऽवस्थाप्य कर्ता सचैलं स्नानं त्रुटित इवाभाति । समुच्चयभ्रमनिरासाह । **अतोऽन्यमेवेति** । व्यवस्थामाह । **स्वस्वगृह्योक्तेति** । **ब्राह्मे** तु वर्णविशेषणव्यवस्था प्रकारद्वयेनोक्ता

"चतुर्थे ब्राह्मणानां तु पंचमेऽहनि भूभृताम् । नवमे वैश्यजातीनां शूद्राणां दशमात्परे ॥
"क्वचित्तृतीये विप्रस्य चतुर्थे क्षत्रियस्य च । पंचमे वैश्यजातेश्च शूद्रस्य दशमेहनि ॥
"अस्थ्नां च संचयः प्रेते क्रियते देशगौरवात्" ॥ इति । देशभेदेनानयोर्व्यवस्था । **आश्वलायनेन** त्वन्योऽपि काल उक्तः (४।५।१) "सञ्चयनमूर्ध्वं दशम्याः कृष्णपक्षस्यायुजास्वेकनक्षत्रे" इति । कृष्णपक्षसंबंधिदशम्या ऊर्ध्वमयुग्मासु एकादशी त्रयोदशी पंचदशीनां मध्ये कस्यांचित्तिथा वषाढाफल्गुनीप्रोष्ठपदाभिन्ने एकनक्षत्रे संचयनं कार्यमित्यर्थः । अयं च कालोऽनतीते आशौचकाले यथासंभवं ज्ञेयः । अतीतेऽपि तत्र संवत्सरान्तादिसपिंडीकरणपक्षे ज्ञेयः । यदा तु द्वादशे तत् क्रियते तत्र चास्य न संभवति तदा पूर्वोक्त एव संचयनानंतर**माश्वलायनेन** "श्राद्धमस्मै दद्यु-रि"त्येकोद्दिष्टविधानात्सपिंडीकरणोत्तरं च तन्निषेधात् । संचयनप्रकारश्च**आश्वलायनाद्युक्ते** ज्ञेयः । अत्रास्थिसंचयनविषये यागः पूजा ।तथा नामगोत्रपुरस्सरं । शुचिः स्नातादिः । अन्यासंभवादाह **देवताश्चेति । तत्र** श्मशाने । एवमग्रेऽपि । **चोह्यर्थे** । तात्पर्यार्थमाह । **अत इति** । तत्प्रकारश्च **ब्राह्मे**

"स्नात्वा त्रिरात्रं कुर्वीत प्रेतायोदकतर्पणम् ॥

"श्मशानदेवतायागं चतुर्थे दिवसे ततः । भवंति पूजिता यस्मात्तत्रस्थाः शंकरादयः ॥
"स्नातैः सुधौतवस्त्रैश्च श्मशानस्य समीपगैः । स्वजातिविहितैर्द्रव्यैर्यथाशक्त्या समाहितैः ॥
"मृन्मयेषु च भांडेषु कुंभेषु रुचकेषु वा । सुपक्वैर्भक्ष्यभोज्यैश्च पायसैः पानकैस्तथा ॥
"फलैर्मूलैर्वनोन्यैश्च पूज्याः क्रव्याददेवताः । कैश्चिदर्घ्यं प्रदातव्यं कैश्चित्पुष्पं च शोभनम् ॥
"धूपो दीपस्तथा माल्यं कैश्च देयं त्वरान्वितैः । तत्र पात्राणि पूर्णानि श्मशानाग्रेः समंततः ॥
"कैश्चिद्देयानि सर्वाणि पानीयान्यक्षतानि च । निवेदयद्भिर्वक्तव्यं तैः सर्वैरनहंकृतैः ॥
"नमः क्रव्यादमुख्येभ्यो देवेभ्य इति सर्वदा । येऽत्र श्मशाने देवाः स्युर्भगवन्तः सनातनाः ॥
"तेऽस्मत्सकाशाद्गृह्णंतु बलिमष्टांगमक्षयम् । प्रेतस्यास्य शुभान् लोकान्प्रयच्छंतु च शाश्वतान् ॥

"अस्माकमायुरारोग्यं सुखं च ददताऽचिरम् ।
"एवं कृत्वा बलीन्सर्वान्क्षीरेणाभ्युक्ष्य वाग्यतैः । विसर्जनं तु देवानां कर्तव्यं च समाहितैः ॥
"ततो यज्ञियवृक्षोत्थां शाखामादाय वाग्यतः । अपसव्यं क्रमाद्वस्त्रं कृत्वा कश्चित्सगोत्रजः॥
"प्रेतस्यास्थीनि गृह्णाति प्रधानांगोद्भवानि च ।
"पंचगव्येन संस्नाप्य क्षौमवस्त्रेण वेष्ट्य च । प्रक्षिप्य मृन्मये भांडे न वेत्याछादने शुभे ॥
"अरण्यवृक्षमूले वा शुद्धे संस्थापयत्यपि । गृहीत्वाऽस्थीनि तद्भस्म नीत्वा तोये विनिक्षिपेत् ॥
"ततः संमार्जनं भूमेः कर्तव्यं गोमयांबुभिः । पूजा च पुष्पधूपाद्यैर्बलिभिः पूर्ववत् क्रमात् ॥
"भूमेराच्छादनार्थं च वृक्षः पुष्करकोऽपि वा । पदको वा प्रकर्तव्यस्तत्र सर्वे विधानतः ॥" इति ।

अत्र भक्ष्यभोज्यपायसपानकफलमूलात्मको बलिः प्रधानम् । भक्ष्यादीनां पूजासाधनत्वोक्तेः । अर्घ्यभक्तपुष्पाणि धूपो दीपः मालास्तंडुलादिपूर्णपात्राणि केषुचित्पात्रेषु पानीयानि यवाद्यक्षताश्च । तदंगानि प्रधानांगानि चोक्तानि **गृह्यकारिकायाम्**
"शिरसो वक्षसः पाण्योः पार्श्वाभ्यां चैव पादतः । अप्रदक्षिणमस्थीनि गृह्णातीत्याह **गोभिलः**"॥ इति।

पुष्करकः पुष्करणीपट्टकश्चत्वरः । तदा चास्थिसंचयनदिने पूजां कृत्वा तत्कार्यमिति बोध्यम् ।

दशमेऽहनीति । स्वस्वसूतकांतदिनोपलक्षणम् ।"अंते च वाससां त्याग" इति **स्मृत्या** सूतकांते कर्तव्यवासस्त्यागसाहचर्यात्केशादित्यागोऽपि तत्रैवेति भावः । नायं नियम इत्याह । **तथेति** । **प्रयत्नत** इत्यनेन तस्यावश्यकत्वं सूचितम् । **आप्रदानत** इति व्याचष्टे । **श्राद्धेति** । एकादशाहिकश्राद्ध इत्यर्थः । तथा च चतुर्थादीनामप्ययं विधिः । अन्यथा वैयर्थ्यापत्तेः । स्वस्वदेशाचारेण व्यवस्थेति तत्त्वम् । एवं स्नानवत्सर्वेषां वपनादौ प्राप्ते आह । **वपनं**
मि. पृ. १७१. **चेति** । चेनोदकदानस्य [1]समुच्चयः । **अन्विति** तेषां चोदकसंस्पर्शने तावंतं कालमित्यादि । **सपिंडा इति** । एवं तेषामपि इतः सामान्येन प्राप्त आह । **तेषां चेति** । वयःकृतविशेषानादरेणेत्यर्थः । **इदमेवेति** । तंत्रेणार्थद्वयमस्येति भावः । तत्रैक उक्तः । द्वितीयमाह । **अनु पश्चादिति** । इतिरर्थसमाप्तौ । तथा च कनीयः सपिंडानां तस्य नियामकमिदमिति । **ज्येष्ठानां नेति** । 'कृतश्मश्रुकर्माण' इति **विष्ण्वादि**वाक्यमप्यनुभाविविषयतया नेयम् । मतांतरमह । **अनुभाविनः पुत्रा इतीति** । त एवेत्यर्थः । तत्र मानमाह । **गंगायामिति** । मृते इत्यस्य तन्त्रेण भावकर्मप्रत्ययभेदेनोभयत्र यथासंख्यमन्वयः । **सोमे** तत्करणकाले । 'गुरोरिति' **पाठे** तु न तंत्रापेक्षा । अत्र पितृत्वादेः पुत्रत्वनिरूपितत्वेन एषामेव तदिति भावः । **अत्र केचिदितिसूचिता** । रुचिबीजं तु इत्थम् । पूर्ववचनेनैव पुत्राणां तद्धर्मातिदेशाच्च शिष्यस्यापि वपने सिद्धे "गंगायामि"त्यनेन मातापित्राचार्यमरणे तस्यावश्यकत्वमन्यत्रानियतत्वं कल्पते । अन्यथैतस्यानर्थक्यापत्तेर्वचनप्राप्तपरिसंख्याया अशक्यत्वात्तीर्थांतरेऽपि वपनसत्वाच्च । तथा चोक्तसामान्यवाक्यानामनेन नियंतुमशक्यत्वात्ततः कनिष्ठानां सपिंडानां वपनमिति युक्तमिति । तथा च **देवलः**

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१ ख— त्वेके, । २ अ. १९ सू. १०।

"मुंडनं चोपवासश्च सर्वतीर्थेष्वयं विधिः। वर्जयित्वा कुरुक्षेत्रं विशालं विरजं गयाम्॥ " इति।

विशाला बदरिकाश्रमः। अवंती वा। विरजमुत्कलदेशे यत्र धर्मराजेन गयासुरनाभौ विरजाद्रिः स्थापित इति **वायवीये**। 'दक्षिणदेशस्थ लोणारक्षेत्रमपि विरजं' इति **आदित्यपुराणे**। "नैमिषं पुष्करं गयामिति" क्वचित्पाठः। "विशालं पुष्करं गयामि"त्यन्यत्र। "वर्जयित्वा गयां गंगामि"त्यन्यत्र पाठः।

"गंगां प्राप्य सरिच्छ्रेष्ठां वपनं यो न कारयेत्। स कोटिकुलसंयुक्त आ कल्पं रौरवं व्रजेत्॥"

इत्यादि तु यदि प्रामाणिकं तदा काशीप्रयागमायापुर्यादितीर्थसमीपस्थगंगापरमित्याहुः। अत्र कुरुक्षेत्रशब्देन काश्यपि **जाबालादि**श्रुत्यादेरित्यन्ये। अत्र गंगापदं च तीर्थमात्रोपलक्षणं।

"विना तीर्थं विना यज्ञं मातापित्रोर्मृतिं विना। यो वापयति लोमानि स पुत्रः पितृघातकः॥"

इत्युक्तेः। तेन गंगायामित्यादिनियमेनान्यत्र प्राप्त्यभावात् "वर्जयित्वा गयाम्"इत्यादि व्यर्थमिति।

"राजा कुमारी नारी च जीवतश्च पितुः सुतः। मुंडनं सर्वतीर्थेषु न कुर्याद्गर्भिणीपतिः॥"

इत्युक्तेः। रामभरतयुधिष्ठिरतत्पत्न्यादीनां मुंडनाश्रवणाच्च क्षत्रियादीनां तदनधिकार इति चापास्तम्। उक्तयुक्तेस्तस्य निर्मूलत्वाच्च। यदपि प्राच्याः अत्रत्य गंगापदस्य तत्रत्य सर्वतीर्थशब्दस्य बहुव्रीहिणा रूढ्या च प्रयागमात्रपरता अतस्तत्रैवोपवासवपने इति तदपि न बहुवचनानुत्पत्त्यापत्तेः। देवप्रयागादिषु न बहुव्रीह्यर्थः इति न तान्यादाय बहुवचनोपपत्तिः। किंच तत्समाकारं वचनमग्निवायुपुराणयोर्गयाप्रकरणे स्कांदे च प्रभासप्रकरणे पठ्यतेऽतो न प्रयागमात्रपरता। **मात्स्ये** (अ. १०४।७।१०८।११)

"अन्ये च बहवस्तीर्थाः सर्वपापहराः शुभाः। तस्मात्कुरुष्व कौंतय सर्वतीर्थाभिषेचनम्"॥

इति **प्रयागप्रकरणे** पाठः। तत्र रूढेरसंभवाच्च "प्रयागं सर्वतीर्थेभ्यः प्रवदंत्यधिकं विभो" इति **भारत**विरोधाच्च[1]। अपि च विशालादिपर्युदासानुपपत्तिर्वचनस्य प्रयागमात्रपरत्वे प्राप्तेरभावात् दोषाधिक्यपरता तु वाक्यार्थानुपपत्तेरसंभवद्युक्तिका। सामान्यनिषेधेनैव सिद्धे विशेषनिषेधस्य हि तदाधिक्यपरता दृष्टा। एतेनास्य "प्रयागवचनं कुर्यात्" इत्यादिवचनांतरैर्विशेषे उपसंहारश्चतुर्द्धाकरणवदित्यप्यपास्तम्। सर्वतीर्थेष्विति सामान्यविधेः सर्वशब्दबहुवचनबलादशेषतीर्थपरतया स्पष्टत्वेनोपसंहारासंभवात्। "यदेव विद्यया"इत्यादिवत् (छांदोग्य अ. १, १, १०)। तदुक्तम् (पूर्वमीमांसायां) 'सामान्यविधिरस्पष्टः संह्रियेत विशेषत" इति। यदपि 'गंगायामि'त्यत्र भास्करक्षेत्रशब्देन प्रयागमिति तदवच्छिन्नगंगायां मुंडनमिति तदपि न प्रयागस्य प्रजापतिक्षेत्रत्वात्। "प्रजापतेरिदं क्षेत्रं प्रयागमितिविश्रुतमिति" **मात्स्यात्** (अ. १११ श्लो. २४)। "एतत्प्रजापतिक्षेत्रं त्रिषु लोकेषु विश्रुतमिति" प्रयागोपक्रमेण (मात्स्ये १०४।५ अ. ३६ श्लो. २०) **कौर्माच्च**।

"तत्र यः सवितुः क्षेत्रे प्राणांस्त्यजति मानवः। स सूर्यलोकमाप्नोति" इत्यादिना तदंतर्गतकोणादित्यादेरेव भास्करक्षेत्रत्वप्रतीतेश्च। तत्र प्रयागे सप्तस्वित्युपात्तसंख्याविरोधाच्चेति दिक्। अत्र पित्रादिग्रहणं भर्तुरप्युपलक्षणम्।

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१ वनपर्वे अ. ८३ श्लो. ७९।

"पुत्रः पत्नी च वपनं कुर्यादंते यथाविधिः । पिंडदानोचितोऽन्योऽपि कुर्यादित्थं समाहितः॥" इति **व्यासेन** पत्न्या अपि वपनविधानात् । यत्तु दाहकर्तुर्दाहांगभूतं वपनं प्रथमदिने **स्मृतिसंग्रहे** उक्तं "रात्रौ दग्ध्वा तु पिंडांतं कृत्वा वपनवर्जितम्। वपनं नेष्यते रात्रौ श्वस्तनी वपनक्रिया॥"इति क्वचित्तु सर्वपुत्राणामुक्तं तत् **मदनपारिजातादौ** प्रथमादिदिनकृतवपनस्यापि पुनराशौचांते वपनमुक्तम् । तत्र सर्वत्र प्रमाणं मृग्यम् । **संग्रहवाक्यस्य** प्रागुक्तवचनैः पाक्षिकप्राप्तप्रथमादिनवपनस्य रात्रिदाहे रात्रावपि प्रसंगे तन्निषेधद्वारा पाक्षिकप्राप्तद्वितीयदिवसवपनपरतयोपपत्तेः । तत्र मूलं तु **संवर्त्तोक्तौ** 'दिने' इत्युक्तमेव । अत एव **संग्रहे** "दाहोत्तरं वपनवर्जितं पिंडांतं कृत्वा" इत्युक्तं इति दिक् ।

अन्यदप्याशौचांत्यदिनकृत्यं **ब्राह्मे** उक्तम्

"यस्य यस्य तु वर्णस्य यद्यस्मात्पश्चिमं त्वहः । स तत्र वस्त्रशुद्धिं च करोत्यपि समाप्य ह ॥
"*समं पिंड यथाशास्त्रमुदाहृतं । ग्रामाद्बहिस्ततो गत्वा प्रेतस्य श्वेतवाससी
"अन्त्यानामाश्रितानां च त्यक्त्वा स्नानं करोति च। श्मश्रुलोमनखानां च यत्त्याज्यं तज्जहत्यपि ॥
"गौरसर्षपकल्केन तिलकल्केन संयुतम् । शिरःस्नानं ततः कृत्वा तोयेनाचम्य वाग्यतः ॥
"वासोयुग्मं वनं शुक्लमव्रणं शुद्धमेव च [गृहीत्वा गां सुवर्णं च मंगलानि शुभानि च ॥
"स्पृष्ट्वा संकीर्तयित्वा च पश्चाच्छुद्धो भवेन्नरः ॥" इतीति दिक् ।

(उत्तरार्द्धः)

निवृत्ताविति । "शुचिना कर्म कर्त्तव्यमिति" शुचित्वस्य कर्मांगतया विधानादिति भावः । **केषुचित्** वक्ष्यमाणे तु । **आहेति** विधिमाहेत्यर्थः ।

भावप्रत्ययानुरोधेनाह। **अग्नीनामिति। तत्रेति**। तस्मिन्सति अर्थादग्निषु भवात्यर्थः । **बहुवचनांतयो** द्वंद्व इत्याह । **वैताना इति** । दिक्प्रदर्शनमिदं न त्वत्राग्रहः । कर्मप्रत्ययेन तु व्याख्यानमग्निमद्युक्तं । तदेतद्ध्वनयन्नाह। **त्रेताग्नीति** । अनतिप्रसंगायाह । **प्रतीति** । समर्थोभयत्र योगरूढिरिति तात्पर्यं । पदार्थमुक्त्वा वाक्यार्थमाह । **ता इति । श्रुतिचोदनादिति** । न करणे हेतुरति प्रसंगात्। किंतु वैदिकी चेत्याशयेनाशेषेण व्याचष्टे। **वैदिक्य इति** । अत एवानन्वेततमंशं प्रश्नपूर्वं व्याचष्टे। **कथमिति । तदमिति**। प्रसक्तमिति भावः । श्रुतीत्यस्य प्रत्यक्षोपलभ्यमानश्रुतीत्यर्थ इत्याशयेनाह। **तथाहीति** । आङभिप्राप्तौ । तथा च नातिप्रसंगः ।

एतद्ध्वनयन्नपि तदुपादानमिति भावस्तदाह । **अत्र चेति । श्रौतत्वेति** । वैदिकी त्वेत्यर्थः । **स्मार्तेति** । अनुपलभ्यमानश्रुतिकेत्यर्थः । एवमग्रेऽपि । **तत्कालमिति** । 'कालाध्वनोरिति" द्वितीया । अत्र श्रौतपदेनौपासनमपि तस्यापि मूलकृता तत्वस्योक्तत्वात् । वैतानेत्युपलक्षणं नैमित्तिकस्यापीत्यपि तदुक्तिफलमन्यथाऽऽनर्थक्यं स्पष्टमेवेत्याशयेनाह । **श्रौतानां चेति** । वैतानौपासनानामिति शेषः । **नित्यनैमित्तिकेति** । अग्निमन्मात्रस्य तत्साध्यानन्यगतिकनित्यनैमित्तिकेत्यर्थः । तथा च तदसाध्यानां तेषामपि नानुष्ठानमिति भावः । तत्र मानमाह । **यथाहेति । पारस्करोऽप्येवम्** । अत्रापि नित्यग्रहणमावश्यकोपलक्षणमित्याह । **आवश्यकेति** । तत्स्वरूप-

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* अत्र तु त्रुटित मिवाभाति । १ व्या. सू. २।३।५ ।

माह । **नित्यनैमीति** । तन्मात्राणामित्यर्थः । तथा च नित्यशब्देनावश्यकनैमित्तिकानामप्युपसंग्रह इति वैतानादिकर्मप्रतिप्रसवोऽपि तादृशनैमित्तिकस्यापि प्रतिप्रसिद्धेति भावः । 'दास' इत्यस्योक्त इत्यत्रान्वयः । अयमस्यैव शेषो न पूर्वस्यापीति भावः । अयमुभयोः शेष इति तु **मदनपारिजाते** । एकपदार्थमाह । **पाक्षिक इति** । अयं निषेधो नित्याग्निहोत्रादिषु न प्रवर्तत इत्यर्थः । मूलादितात्पर्यार्थमाह । **अत इति** । तदसाध्यानां तेषां निवर्तकोक्तवचनवदत्र वचनाभावादाह । **शौचेति** । शुद्धिभावादित्यर्थः । एवंरीत्या तेषामपि तस्य सिद्धिस्तथापि वैतानेत्यादिदृष्टांतेन तेषामपि तत्वभ्रांतिनिरासाय । 'नित्यानीति' निषेध इति न तदानर्थक्यमितिभावः । **अनेनैव** मूलादितात्पर्याभूतेनाग्निमदित्याद्युक्तेनैव **प्रत्यूहत इति** । अशुचित्वात्सर्वश्रौतस्मार्तक्रियाविनिवृत्तौ प्राप्तायामिदमुच्यते । अग्निषु याः क्रियाः सायंहोमाद्यास्तान् प्रत्यूहेन्न प्रत्यस्येत् । प्रत्यूहो निर्हासोऽननुष्ठानमिति **मेधातिथिः** । **इति** इत्यनेन तत्र नित्यानाह । **पंचेति** । **आदिना** नैमित्तिकपरिग्रहः । होमं द्विविधं तत्र द्विविधाशौचे **छंदोगपरिशिष्टे**ऽपि

"होमः श्रौते तु कर्तव्यः शुष्कान्नेन फलेन वा । अकृतं हावयेत्स्मार्ते तदभावे कृताकृतम् ॥

"कृतमोदनसक्तादि तंडुलादि कृताकृतम् । व्रीह्यादि चाकृतं प्रोक्तमिति द्रव्यं त्रिधा बुधैः" ॥ इति ।

एवं चाग्निसाध्यनैमित्तिककर्मभिन्नकर्मस्वनाधिकारस्य शौचाभावादेव सिद्धत्वात्प्रतिप्रसवांतराभावाच्च "पंचयज्ञेत्यादिक"मनुवाद एव । एवं **पैठीनसि**वाक्येऽपि तत्पर्युदासार्थं नित्यानित्यानुवाद एवेति बोध्यम् । एवमपि वैश्वदेवस्याग्निसाध्यत्वेन 'प्रत्यूहेदिति' **मनोः** कर्तव्यत्वापत्तिरूपातिप्रसंगप्राप्तावाह । **वैश्वेति** । तस्यापि नित्यत्वादिति भावः । **तेनैव** । **संवर्तेनैव** । एवं चोक्तनित्यनैमित्तिकभिन्नानां नित्यनैमित्तिकानामपि निवृत्तिः काम्यानां तु सर्वेषां निवृत्तिरिति तत्वम् । यद्यपि 'पंचयज्ञे'त्यनेनैव वैश्वदेवस्यापि निषेधः सिद्धस्तथापि येषां तैत्तिरीयादीनां पंचयज्ञभिन्नो वैश्वदेवस्तदर्थः पृथङ्निषेध इति बोध्यम् । संध्यावंदनस्योक्तरीत्याऽग्निसाध्यत्वेन शौचाभावादेवाप्राप्तौ विशेषं वक्तुं तदनुवादकम् । एवमग्रेऽपि वचनं तावदाह । **सूतके इति** । इदं शावस्याप्युपलक्षणम् । "संध्यात्रयं तु कर्तव्यमिति" **मूलोक्तेः** । तथा च **वैष्णवे** (तृतीयांशे अ. ११, श्लो. ९७)

"सर्वकालमुपास्यानं संध्ययोः पार्थिवेष्यते । अन्यत्र सूतकाशौचविभ्रमातुरभीतितः ॥"

मरीचिप्रक्षेपादिकमित्यत्रादिशब्दः प्रकारेण तु प्रभृताविति न स्मृत्यंतरविरोधः । **सावित्र्ये**त्यनेन मध्याह्ने "हंस"इत्यस्य निवृत्तिः । **अंजलिमित्ये**कवचनेनैकांजलिरेव । अत्रेदं तत्वम् । यद्यपि

"संध्यामिष्टिचरुं होमं यावज्जीवं समाचरेत् । न त्यजेत्सूतकेनापि त्यजन् गच्छेदधो द्विजः" ॥

इति **पुलस्त्योक्ते**रिष्टिराहिताग्नेर्दर्शपूर्णमासादिका चरुरनाहिताग्नेः स्थालीपाकादिरूपः । होमो द्विविध इत्यार्थिकापातस्यायथास्थितकर्तव्यता प्राप्ता तथापि

"सूतके मृतके चैव संध्याकर्म समाचरेत् । मनसोच्चारयेन्मंत्रान्प्राणायाममृते द्विज" ॥ इति तदुक्तप्रकारेणैव कार्यं । "प्राणायाममृते" इति न मानसत्वे मुखनासिकासंचारिवायुनिरोधेन तन्मंत्रपाठेन तस्य सिद्धत्वात् । किंतु मंत्रेष्वेव । तथा चामंत्रकः प्राणायामः कार्य इत्युक्तं भवति । प्राणायाम एव न कार्य इति तु **मदनपारिजातोक्तं** चिंत्यम् । वक्ष्यमाणभारद्वाज्यविरोधात् ।

अनेन प्राणायामभिन्नं सर्वं मानसमंत्रैः कार्यमिति सूचितम् । यद्यपि तथापि अर्घ्यदाने मंत्रोच्चारस्तदुत्तरकर्मलोपो बोध्यः । सूतके सावि=येत्युक्त**पैठीनसेः** साविञ्याः प्राप्तत्वात्**पुलस्त्योक्त**मानसत्वनिवृत्त्यर्थमेव तत्र सावित्रीग्रहणमिति **मदनानुयायिनः** केचित् । तन्न । उक्तरीत्या ग्रहणस्य साफल्यात् । तस्माद्**भारद्वाजो**क्तेस्तथेति यक्तं । तथा च **भारद्वाजः**

"सूतके मृतके कुर्यात्प्राणायाममममंत्रकम् । तथा मार्जनमंत्रांस्तु मनसोच्चार्य मार्जयेत् ।

"गायत्रीं सम्यगुच्चार्य सूर्यायार्घ्यं निवेदयेत् । मार्जनं तु न वा कार्यमुपस्थानं न चैव हि"॥ इति । ननु ताल्वादिव्यापाराभावेनोच्चारणसंभवात्कथमिदमिति वाच्यम् । सूक्ष्मतरताल्वादिव्यापारेण सूक्ष्मतरस्योच्चारणसत्वात् । जपे मंत्राणां त्रैस्वर्येणैव ज्ञानस्यावश्यकतया तस्य च तत्तत्स्थानेषूच्चदेशाद्युपलभ्यमानत्वरूपतया तस्यावश्यकत्वादिदमेव मानसमुच्चारणम् । अत एव **मानसा जपलक्षणे**

"धिया यदक्षरश्रेणीवर्णस्वरपदात्मिकाम् । उच्चरेदर्थसंस्मृत्या स उक्तो मानसो जपः" ॥

इत्यत्रोच्चरेदित्युक्तमेव पुस्तकदर्शनस्थलेऽपि बोध्यम् । अत्र दशवारं गायत्रीजपोऽपि कार्यः । तथा **चाश्वलायनः** । "आपन्नश्चाशुचिः काले तिष्ठन्नपि जपेद्दशेति ।" आपन्न आपद्ग्रस्तः । तं प्रत्य**ग्निस्मृता**वंतरहानावप्यर्घ्यस्यावश्यकतोक्ता ।

"जलाऽभावे महामार्गे बंधने त्वशुचावपि । उभयोः संध्ययोः काले रजसा चार्घ्यमुत्सृजेदिति"॥

अशुचौ अशौचे । तथा च 'सूतके' इत्यादि**मरीच्यादि**वाक्यं च स्वरूपतस्तत्र संध्यानिषेधपरमपि तु मंत्रोच्चारणपूर्वकसंपूर्णसंध्यानिषेधपरमिति । अनग्निसंध्यत्वेऽपि वचनात्तदेकदेशानुष्ठानमिति न कोऽपि विरोध इति ।

एवमनग्निसाध्यपंचयज्ञादिनिवृत्तेः प्रागुक्तत्वेन प्रागुपस्थित्या तत्प्रसंगेन संध्यावंदने विशेषमुक्त्वा "वैश्वदेवस्ये"त्यादिपश्चादुक्तरीत्या प्रागुक्ते मूलीये एव वाचनिकं विशेषमाह । **यद्यपीत्यादिना** । **तथापीति** । कार्या इति णिजूगर्भमितिभावः । प्रागुक्त**पैठीनस्य** व्यवहितं तत्प्राह । **अन्ये इति** । अन्ये असपिंडा एतानि कुर्युरित्यर्थः । अन्येनासपिंडेनैतानि वैतानोपासनानि कारयेदिति तात्पर्यार्थः । **पारस्करोऽप्येवम्** । यत्तु "अत्र वैतानान्यपि प्रकृतानीति" **मिताक्षरातो**ऽवगम्यत इति तत्तु स्मृत्याद्यदर्शनमूलकम् । करणपक्षस्वीकारे इदमिति तु **मदनपारिजाते** अस्य सामान्यविषयकत्वप्रकटनायैवमसत्यतरमाह । **बृहस्पतिनेति** । **हावयेद**न्येन होमं कारयेत् । **हापयेत्** त्याजयेत् । अत्र त्यागानुकूलव्यापारानुकूलव्यापारनिषेधे विशेषणस्य त्यागानुकूलव्यापारस्यापि निषेध इति बोध्यम् । अनुपलभ्यमानश्रुतिकस्मार्त्तत्वेन दानादिवदन्यत्रापि निवृत्तिप्रसंगे विशेषं वाचनिकमाह । **तथेति** । **पिंडयज्ञः पिंडपितृयज्ञः** । चरुः **श्रवणाकर्माश्वयुज्यादिकः**। स्थालीपाकश्च । **होमः** द्विविधो नित्यः । असगोत्रः असपिंडः सपिंडनिषेधस्य शौचनिमित्तत्वात् । तथा चाशौचरहितेन ब्रह्मचारिणाऽसपिंडेनापि होतव्यमिति गम्यते । अस्यान्तर्ग्रहणं श्रौतस्याप्युपलक्षणम् । "वैतानौपासना" इत्यनेन सामान्यतोऽधिकारे ज्ञातेऽस्य विशेषप्रतिपादकत्वात् ।

एवं सति प्रसक्तप्रागुक्तव्याघ्रपादविरोधपरिहारायात्रापि विशेषमाह । **यद्यपीति । पैठीनसि**वचनात्प्रोक्तमिति भावः । **स्वयं** । स्वयमेव । तत्र बीजमाह । **तस्येति** । अन्यस्वत्वाभावादितिभावः । **अत एवेति** । एतद्विषयकमेव तेन तत्फलकशुद्ध्यर्थं स्नानविधानमित्यर्थः । होमांशे मि. पृ. १७२ विरोधं परिहरति । **यत्पुनरिति । काम्येति ।** कामहोम इत्यर्थः । त्यागभिन्ने त्वनाशौचित्वप्रयुक्तं कर्तृत्वमन्यस्यैव प्रोक्तपैठीनसेस्तस्माद्वैतानिकेऽपि त्यागमात्रे स्वयं कर्तृत्वमन्यत्र त्वन्यस्यै स्मार्तवदिति तात्पर्यम् । दीक्षितस्य तु याजमानमात्रेऽधिकारः । 'ऋत्विजां दीक्षितानां चे'ति वक्ष्यमाण**मूले** दीक्षितग्रहणात् । अन्यथा "वैतानोपासना"इत्यनेनैव **व्याघ्रपादो**पोद्वलितेन सिद्धे तदानर्थक्यापत्तेरिदं च तत्रैव व्याख्याने एव व्यक्तीभविष्यतीति व्याख्यातृसम्मतः पंथाः । अन्ये तु सर्वे तत्कल्पसूत्रभाष्यकारादयो निबंधकाराः सार्वजनीनश्रौतस्मार्तविभागवशाद्यथाश्रुतसमस्तवचनानुसारेण वैतानिके सर्वत्रापि स्वयंकर्तृत्वं वदन्ति ।

"कर्म वैतानिकं कार्यं स्नानोपस्पर्शनात्स्वयम् । जन्महान्योर्वितानस्य कर्मयोगो न विद्यते ॥

"शालाग्नौ केवलो होमः कार्य एवान्यगोत्रजैः ।" इत्यादीनि च **हारीतजाबालादि**वचनानि स्पष्टार्थानि लिखन्ति केचिन्मतमपि वक्ष्यते । वस्तुतस्तु यत्र सूत्रे विशिष्य यथोक्तं श्रौते स्मार्ते च तत्तथैवानुष्ठेयम् । अन्यत्र तु **विज्ञानेश्वर**संमतसरणिरेव **हारीतजाबालादि**वाक्यानामपि तद्रीत्या योजयितुं शक्यत्वादेवं वक्ष्यमाणमतसाधकस्यापीति तत्वं बोध्यम् । तथा सूतकादौ ग्रहणे सति स्नानदानश्राद्धादावदोषः । तथा च **वसिष्ठः**

"चंद्रसूर्यग्रहे स्नायान्मृतके सूतकेऽपि च । अस्नायी मृत्युमाप्नोति स्नायी मृत्युं न विंदति" ॥ तथा

"मृतके सूतके चैव न दोषो राहुदर्शने । तावदेव भवेत् शुद्धिर्यावन्मुक्तिर्न दृश्यते" ॥

इति । प्राच्यास्तु स्नानमेव कार्यं न श्राद्धदानादीत्याहुस्तन्न । द्वितीयवचनाद्वैयर्थ्यापत्तेः । प्रारंभाभावेऽपि कन्याया अभार्ये च । मुहूर्तांतराभावे[2] च कूष्मांडहोमादिपूर्वं विवाहप्रारंभोऽप्युक्तो **विष्णुना**

"अनारब्धविशुद्ध्यर्थं कूष्मांडैर्जुहुयात् घृतम् । गां दद्यात्पंचगव्याशां ततः शुध्यति सूतकी ॥" इति

इदं वाक्यमेतादृशविषये एव सार्थकमिति न सर्वविषयम् । कूष्मांडैः कूष्मांडमंत्रैः । संक्रांतिनिमित्तकस्नानादावपि नाशौचमित्युक्तं **प्रयोगपारिजाते** नित्यस्नानाचमनभोजननियमाग्निस्पर्शनेषु नाशौचम् । अन्यत्तु नित्यनैमित्तकादि न भवति इति दिक् । केचित्तु यजमानेनाशौचमध्येऽग्निहोत्रहोमः औपासनहोमश्च कर्तव्यो न कर्तव्यो वेति संशयेनेति तावत्प्राप्तम् । कुतः

"दशाहं शावमाशौचं सपिंडेषु विधीयते । जननेऽप्येवमेवं स्यान्निपुणां शुद्धिमिच्छताम् ॥"

इत्यादि**मन्वा**[3]**दि**स्मृतिप्रमाणादशुचित्वात् "शुचिना कर्म कर्तव्यम्" इत्यादिवचनादशुचेरनधिकारात् । अत एव "सूतके कर्मणां त्यागः संध्यादीनां विधीयते" इति **संवर्तो**क्तं ।

"सूतके तु समुत्पन्ने स्मार्तं कर्म कथं भवेत् । पिंडयज्ञं चरुं होममसगोत्रेण कारयेत् ॥"

इति **जातूकर्ण्योक्तं** च संगच्छते । तस्मादाशौचिना यजमानेनाग्निहोत्रहोमो गृह्याग्निहोमश्च न कर्तव्य एवेति चेन्न "वैतानौपासनाः कार्याः क्रियाश्च श्रुतिचोदनात्" इति **याज्ञ**-

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१ ख- व्यक्तिर्भविष्यतीति । २ अभावे च—इतिपाठः । ३ अ. ५ श्लो. ५९ ।

वल्क्योक्तेः (प्रा. १७) । वैतानास्त्रेताग्निसाध्या अग्निहोत्रदर्शपौर्णमासाद्याः क्रिया उच्यंते प्रतिदिनमुपास्यत इत्युपासनो गृह्योऽग्निस्तत्र भवा औपासनाः सायंप्रातर्होमक्रिया उच्यंत इति ता वैतानौपासना वैदिक्यो क्रियाः कार्याः । कंथ वैदिकत्वमिति चेत् । श्रुतिचोदनात् । तथा हि "यावज्जीवमग्निहोत्रं जुहुयादि"त्यादिश्रुतिरग्निहोत्रादीनां चोदना स्पष्टैव । तथा "अहरहः स्वाहा कुर्यादि"त्यादिश्रुत्यौपासनहोमोऽपि चोद्यते । अत्र च श्रौतत्वविशेषणोपादानात्स्मार्तक्रियाणां दानादीनामनुष्ठानं गम्यते । अत एव **व्याघ्रपादेनोक्तम्**

"स्मार्तकर्मपरित्यागो राहोरन्यत्र सूतके । श्रौते कर्मणि तत्कालं स्नातः शुचिमवाप्नुयात्" ॥ इति

मिताक्षरायामुक्तं । अत स्नानाचमने तात्कालिके अग्निहोत्रस्य होमार्थं शुद्धिस्तात्कालिकी भवेदित्यनंतदेवधृत**गोभिल**वचनात् "कर्म वैतानिकं कार्यं स्नानोपस्पर्शनात्स्वयमिति" **विज्ञानेश्वरनंदपंडिता**दिधृत**हारीत**वचनाच्च । अत्र वैतानिकग्रहणमौपासनहोमोपलक्षणार्थं तस्यापि श्रौतत्वेन **मिताक्षरोक्ते**रिति **कौस्तुभकृतः** । तस्मादग्निहोत्रहोमवदौपासनहोममपि यजमानः स्नात्वा स्वयमेव कुर्यात् । असंभवे त्वसगोत्रेण कारयेत् । तदाह **मदनपारिजाते जातूकर्ण्यः** "संध्यामिष्टिं चरुं होमं यावज्जीवं समाचरेत् । न त्यजेत्सूतके चापि त्यजन्गच्छेदधो द्विजः ॥" इति ।

इष्टिराहिताग्नेर्दर्शपूर्णमासात्मिका । चरुरनाहिताग्नेः स्थालीपाकादिरूपः । स चाशौचरहितेन कारणीयः । तदाह **जातूकर्ण्यः**

"सूतके तु समुत्पन्ने स्मार्तं कर्म कथं भवेत् । पिंडयज्ञं चरुं होममसगोत्रेण कारयेत्" ॥

पिंडयज्ञः पिंडपितृयज्ञः । चरुः श्रवणाकर्माश्वयुज्यादिकः स्थालीपाकश्च । होम औपासनः । सोऽसगोत्रेणापि कारणीय इत्याशयेन तदुक्तिः । न तु तत्रापि नियमः "अग्निहोत्रतुल्यत्वादिति" **कौस्तुभकृतः** । **स्मृत्यर्थसारेऽपि** जाताशौचे च मृताशौचे च त्रेताग्निसाध्याग्निहोत्रदर्शपूर्णमासाद्या नित्यनैमित्तिकाः क्रियाः कार्याः । औपासनाग्निसाध्याश्च सायंप्रातर्होमदर्शस्थालीपाकाद्या नित्यनैमित्तिकाः श्रुतिचोदितत्वात्क्रियाः कार्या एव । असंभवे त्वसगोत्रेण हावयेत् । न सर्वथा हापयेत् स्मार्तत्वेऽपि पिंडपितृयज्ञश्रवणाकर्माश्वयुजीकर्मादिकमसगोत्रेण कारयेत् । न हापयेत् । यजमानस्तु स्नात्वाचाम्याहादशत्यागोकुर्यादिति यद्यपि सांगे कर्मण्यकर्तृत्वं तथापि द्रव्यत्यागात्मकं प्रधानं स्वयं कुर्यात । तस्यानन्यनिष्पाद्यत्वादिति **विज्ञानेश्वरः** । **पारस्करस्तु** औपासनहोमादौ विकल्पमाह (३।१०।२२-२४) "नित्यानि विनिवर्तेरन्वैतानवर्जं शालाग्नौ चैकं अन्य एतानि कुर्युरिति" । अत्र नित्यशब्देनावश्यकनैमित्तिकानामपसंग्रहः । अतो वैतानानां स्मार्तानां च कर्मणां प्रतिप्रसवेऽपि नैमित्तिकस्यापीति केस्यापि प्रतिप्रसवः । काम्यानां तु सर्वत्र सर्वथाऽपि निवृत्तिः । वितानस्त्रेताग्निस्तत्र क्रियमाणानि नित्याग्निहोत्रादीनि वैतानानि वर्जयित्वा "नित्यानि विनिवर्तेरन्नि"त्ययं निषेधो नित्याग्निहोत्रादिषु न प्रवर्तत इत्यर्थः । अतः स्वयमेव कुर्यात् । शालाग्निगृह्याग्नितत्संबंधिनां सायंप्रातर्होमस्थालीपाकादीनां पाक्षिकी कर्तव्यता करणप्रकरणं वा शास्त्रार्थ इति **पारिजाते** । तत्र शक्तो करणमशक्तावकरणमिति तात्पर्यं । अकरणपक्षेऽसपिंडेनान्येनैतानि कारयेन्न सर्वथा त्यजेदित्यर्थः । **मिताक्षरायां पैठीनसिरपि** "नित्यानि

१ ख-भाग ।

विनिवर्तेरन् शालाग्नौ चैके" इति । नित्यानि विनिवर्तेरन्नित्यविशेषणावश्यकानां निवृत्तौ प्रसक्तायां वैतानवर्जमित्यग्नित्रयसाध्यावश्यकानां पर्युदासः । "शालाग्नौ चैक" इति गृह्याग्नौ भवानामप्यावश्यकानां पाक्षिकः पर्युदास उक्त इति **विज्ञानेश्वरः** । तमेवानुसरंति दाक्षिणात्याः । अत्रैकग्रहणं पूजार्थम् । तेनोपासनाग्निसाध्यमावश्यकं कार्यमेवेति **हारलतायाम्** । तत्राऽग्र-पक्षे येषां बहुत्वादीनां द्वादशरात्रमहोमेऽपि नाग्निविच्छेदस्तैर्न कार्यः । येषां तु त्रिरात्रमहूयमानोऽ-ग्निर्लौकिकः संपद्यते तैस्तैत्तिरीयाद्यैः कार्य इति व्यवस्थापयंति तन्न सहंते न्यायविदः । प्रमादा-दिना द्वादशरात्रमहोमेणाग्निमवच्छेदेऽपि बुद्धिपूर्वमहोमेनाग्निच्छेदे प्रमाणाभावात्। यत्त्वा**श्वलायनः** "स्मार्ताग्निः सूतके शावे स्वयं न जुहुयात् द्विजः । श्रौताग्निस्तु सवृद्धत्वात्समाप्ते वा स्वयं हुनेदिति"॥ तत्समारूढपरम् । तदाह **स** एव

"स्मार्ताग्निरात्मनोऽन्येषामभावे सूतकादिषु । समारोप्य तदंते तु विहत्य जुहुयात्स्वयम्" ॥ इति।

मनुरपि (५।८३)। "प्रत्यूहेन्नाग्निषु क्रिया" इति । एतेन **प्रयोगरत्नं** व्याख्यातं तस्मादैच्छिको विकल्पः । एतदुक्तं **बृहस्पतिना**

"सूतके मृतके चैव अशक्तौ श्राद्धभोजने । प्रवासादिनिमित्तेषु हावयेन्न तु हापयेत्"॥ इति।

यत्तु "आशौचे होमदानप्रतिग्रहस्वाध्याया निवर्तन्ते । नाशौचे कस्यचिदन्नमश्नीयादिति" **विष्णुवचनं** तत्र होमो वैश्वदेवाख्यः । न त्वग्निहोत्रौपासनाख्यः । तस्य 'वैतानोपासना'इत्यादि-पूर्वोक्त**याज्ञवल्क्य**वाक्येन श्रौतत्वोक्त्या प्रबलत्वेनाऽऽबाध्यत्वात् न्याय्यम् । तस्माद्यथोक्तमेव

"विप्रो दशाहमासीत वैश्वदेवविवर्जितः । पंचयज्ञविधानं तु न कुर्यान्मृतिजन्मनोः"॥ इति ।

संवर्तोक्तेः।पुनर्वचनं"दानं प्रतिग्रहो होमः स्वाध्यायश्च विवर्तत" इति तत्काम्यहोमाभिप्रायकमेवेति **निर्णयामृते** वैश्वदेवाभिप्रायकमिति **विज्ञानेश्वरपारिजातौ** । तस्मादाशौचमध्ये यजमानः स्नात्वाऽऽचम्य स्वयमग्निहोत्रहोमं कुर्यादौपासनहोमं स्वयं कुर्यादन्येन वा कारयेदिति स्मृतिद्वैविध्या-विकल्पः । तस्मादाशौचिना यजमानेन स्वयमौपासनहोमे कृतेनाग्नेर्लौकिकत्वमिति सिद्धमिति **यमा-क्तम्** । विशेषांतरमाह । **तथेति** । अर्धआद्यचा सूतकान्नमित्यर्थः । असकुल्यैरिति भावः । न्यूनाधिकसंग्रहायाह । **दशाहानीतीति** । सूतकपदमाशौचमात्रपरम् । एवमग्रेऽपि । पूर्वोत्तरार्द्ध-माह । **सूतके त्विति** । तदेवान्नं **कुलस्य तु अदोषं** भोज्यमित्यर्थः । इत एव पूर्वार्धमसकुल्यपरम् ।

एवं सामान्येनोक्ते निषेधे विशेषमाह । **अयं चेति अन्यतरेणेति** । तथा च दात्रा आशौच-निमित्ते ज्ञाते भोक्त्रा अज्ञानेऽपि दातुराशौचित्वात्तत्स्वामिकेऽन्ने प्रवर्तत एव । अज्ञानप्रवृत्तत्वा-प्रायश्चित्ताल्पत्वं भोक्तुः । दात्राज्ञातेऽपि भोक्त्राज्ञाते तु तद्द्रव्यस्याशौचिस्वामिकत्वाभावेऽपि वचनात्प्रवर्तत इति भावः । उभाभ्यां दातृभोक्तृभ्यां यद्यपि दात्रा सूतकाद्यपरिज्ञाते दातुस्तन्नास्ति जननादिज्ञानस्यैव तत्र निमित्तत्वात् तथापि दातृपरिज्ञानं केवलं भोक्त्राज्ञातेऽपि वचनाद्भोजन-दोषो भोक्तुरेव । इत्थं हि तदुपपत्तिः । दातुर्ज्ञानं सूतकादिप्राप्तौ निमित्तम् । भोक्तुर्ज्ञानं भोजन-निवृत्तौ निमित्तम् । सूतकादिस्वरूपानिष्पत्तिरेकोंऽशस्तज्ज्ञानं चापरः । तदुभयमिलितं निमित्तम् । एवं च निमित्तैकदेशस्य प्रसवादेर्भोक्त्रा ज्ञातत्वादेकविभावितन्यायेनान्यस्यापि संभाव्यमान-

केवलभोक्तुर्ज्ञानेऽपि भोजननिवृत्तिः । यदा तु दात्रा ज्ञानं न भोक्त्रा तदा भोक्तुरेव च नादोषो न दातुर्भोजननिमित्तो दोषयितुः सूतकान्नभोजयितृत्वदोषोऽस्त्येव । अयं च भोजयितृत्वनिमित्तो दोषः सूतके मृतके विहितप्रथमादिदिननवश्राद्धदिनभिन्नकाले ज्ञेयः । तत्काले विहितत्वात् । तथा च **ब्राह्मे**

"अपि दातृगृहीत्रोश्च सूतके मृतके तथा । अविज्ञाने न दोषः स्याच्छ्राद्धादिषु कदाचन ॥"

"विज्ञाने भोक्तुरेव स्यात्प्रायश्चित्तादिकं क्रमात्" इति । आदिना अशौचं । प्रायश्चित्तं चाग्रे स्फुटीभविष्यति"।

एवं च तत्र भोक्तृग्रहणं तन्मात्रेण ज्ञातेऽपि तस्य दोषप्रतिपादनार्थम् । न तु दातृमात्रेण ज्ञाते तस्य दाननिषेधातिक्रमनिमित्तदोषनिवृत्त्यर्थमपि अर्थद्वयकरणे वाक्यभेदापत्तेः । एवं च **ब्राह्मम**पि "भोक्तुः स्यादेवेति" व्याख्येयम् ।

पृ. १७२ पं. ८. विशेषांतरमाह । **तथेति** । **कृतमिति** । आशौचसंभावनयेति भावः । **अन्नं** सिद्धान्नमनुज्ञातभिन्नमपि चान्नं । **मृतेति** समाहारद्वंद्वः । एवमग्रेऽपि ।

सिद्धान्नभोजनविषये विशेषान्तरमाह । **तथाऽपरोऽपीति** । अत्र भुंजानेष्विति विवाहादिष्वप्यपृथक्कृतान्नभोजने अन्यत्र च ब्राह्मणभोजने बोध्यम् । अवशिष्टं चान्नं त्याज्यम् ।

"भोजनार्धे तु संभुक्ते विप्रैर्दातुर्विपद्यते । यदि कश्चित्तदोच्छिष्टं शेषं त्यक्त्वा समाहिताः ॥

"प्राचम्य परकीयेन जलेन शुचयो द्विजाः ।" इति **ब्राह्मात्** । श्राद्धे तूक्तं ।

पृ. १७२ पं. १२. अथ द्रव्यत आशौचापवादरूपविशेषमाह । **तथेति** । तत्स्वामिकत्वेऽपीत्यर्थः । **दोषाभावः** तत्स्वामित्वहेतुकप्रतिग्राह्यत्वायोग्यत्वरूपाशौचाभावः । द्रव्येषु चाशौचमाशौचिस्वामिकत्वकृतोऽप्रतिग्राह्यत्वादिप्रयोजकोऽतिशयविशेषश्चेतनाशौचवत् । अन्येष्वप्यौपाधिकाशुचिषु एवमेवेति केचित् । वस्तुतस्तु तत्स्वामिकत्वकृतं प्रतिग्रहाद्ययोग्यत्वमेव द्रव्येष्वाशौचं कृष्णाजिनादिवत् । न त्वतिविशेषो मानाभावात् । चेतनेषु तु

"दानं प्रतिग्रहो होमः स्वाध्यायः पितृकर्म च । प्रेतपिंडक्रियावर्जमाशौचे विनिवर्त्तते ॥"

इति दानाद्यधिकारे आशौचस्य हेतुत्वोक्तेः । कर्माधिकाररूपब्राह्मण्यादिवन्न दानाद्यनधिकार आशौचं । किंतु तत्तद्धेतुभूतो जननादिजन्योऽतिशयविशेषः स्वीक्रियते । ब्राह्मण्यादिजातिवत् । अन्यथा हेतुहेतुमद्भावानुपपत्तेः । उदकदानाद्यधिक्रमस्याप्याशौचत्वापत्तेश्च ।

ननु द्रव्येषु तथा किंचिदिति तदेव तेषु तत्द्रव्यविशेषगतमेवाशौचिस्वामिकत्वं तत्र हेतुर्न तु द्रव्यमात्रगामीति शास्त्रैकसमधिगम्यत्वाद्यथाशास्त्रं अतिशयविशेषवादिनाऽपि चेदं वाच्यमेव । तत्र तस्य प्रयोजकत्वस्वीकारात् । यत्तु प्राच्याः अशुचिना विनियोजितान्यमनधिकारिविनियोजितत्वात्फलाजनकत्वमेव द्रव्येष्वाचंस्वतस्तु गतानि शुचीन्येव अन्यथैकतरेण भ्रात्रा जननादौ ज्ञाते तस्याशौचित्वासत्स्वामिकत्वेन तत्द्रव्याणामपि अतिशयविशेषरूपे कर्मानर्हत्वरूपे वाऽशुचित्वे सति तैरेव द्रव्यैरज्ञातहेत्वनाशौचिभ्रात्रंतरेण कृतं कर्माशुचिद्रव्यकृतत्वाद्वा स्यात् न स्याच्च ततः क्रीतद्रव्येणान्येषां कर्मसिद्धिः । क्रयस्याशौचापनायकत्वे मानाभावात् । शुचीनामेव तु तेषामनधिकारिविनियोजितत्वेन फलानर्थकत्वे शुचिना भ्रात्रंतरेण क्रेत्रा च विनियुज्यमाने फलसिद्धिर्युक्तेत्याहुस्तन्न ।

तथा सति ततः क्रय इव प्रतिग्रहेऽपि दोषाभावापत्तेः। क्रीतैरिव प्रतिगृहीतैरपि कर्मसिद्ध्यापत्तेश्च। अनधिकारित्वेनाशौचिना विनियुक्तानां फलाजनकत्वेऽपि प्रतिग्रहीतृविनियुक्तानां तस्याप्रमाणकत्वात्।

न चानधिकारिकृतत्वेनाशौचिकर्तृकदानस्य फलाजनकत्वात्ततः प्रतिगृहीते स्वत्वमेव नास्तीति वाच्यम्। शास्त्रीयफलाभावेऽपि स्वत्वस्य लौकिकत्वेन तदनुत्पत्तौ मानाभावात्स्वस्य लौकिकत्वं **लिप्सासूत्रे** मतद्वयेऽपि उक्तमिति प्राक् प्रपंचितं व्याख्यात्रा 'यत्त्वेकतरेणेत्यादि'। तन्न। भ्रात्रंतरेण परिग्रहसंपादितासाधारणस्वत्वे द्रव्ये अशुचिभ्रात्रंतरस्वत्वाभावेन तत्राशुचित्वाभावात्साधारणस्वत्वाधिकरणस्य यथेष्टविनियोगानर्हत्वेन कर्मानुष्ठानार्थं तस्यावश्यकत्वात्। यच्च क्रयस्येत्यादि तदपि न स्वत्वापनयनद्वारैव। तस्य द्रव्याशुद्ध्यपनायकत्वात् तस्याशौचिस्वत्वप्रयुक्तत्वात्। तत्रैव द्रव्ये कालस्य चेतनाशुद्ध्यपनयनद्वारा तदपनायकत्ववदिति दिक्।

मधु क्षौद्रं। समाहारद्वंद्वः। एवमग्रेऽपि। **पयः** क्षीरम्। **तिल**ग्रहणं तैलस्याप्युपलक्षणम्। **पण्येष्विति**। तत्र तत्स्वामिनो वाणिजादेराशौचेऽपि अप्रतिग्राह्यत्ववदक्रेयत्वं नास्ति तद्वस्तुक्रियकरणेऽपि न दोष इत्यर्थः। **भक्ष्यजातं** तत्समूहः शष्कुलीलड्डुकादि। **एवे**नाशौचिहस्तमात्रनिरासः। तथा च स्वयमित्युपलक्षणम्। आशौचिहस्तान्न ग्राह्यमित्येतावन्मात्रं विवक्षितम्। तथा तदनुज्ञयाऽपरहस्तादपि ग्राह्यम्।

पृ. १७२ पं. १५. पूर्वोक्ताऽविरोधायाह। **पक्वापक्वाभ्येति**। ततिवत्यर्थः। अनन्यभावे **विषय**शब्दः। तत एव तद्ग्राह्यं नान्यस्मादित्यर्थः। **पयःपिबेदिति**। "व्रतीभवेदिति" पाठान्तरम्।

मरीच्यविरोधायाह। **अन्नेति**। **पक्वशब्दः** पक्वान्नशब्दः। आमान्नग्रहणं च भक्ष्यस्याप्युपलक्षणम्। पूर्वैकवाक्यत्वात्। योगविभागकरणाच्च। न पण्येषु स्वयंग्रहनियमः। मृतसूतकग्रहणं च स्वयंग्रहविधौ कृत्रिमस्याप्युपलक्षणम्। **अशौचं यस्येत्य**स्याशौचाभावमात्रप्रतिपादकेनाऽऽशौचिस्पष्टोपादाननिषेधबाधे मानाभावात्। पण्याशौचानिषेधे तु कृत्रिमोपलक्षणम्। आशौचं यस्येत्यस्य पण्येष्वपि प्रवृत्तेर्लवणशाखादिनियमार्थं तु मृतकसूतकग्रहणम्। शाकादिष्वेवाशौचप्रतिषेधश्चानापाद्यनिमित्तकाशौचविषयः। कृत्रिमे तु तदन्यत्राप्याशौचाभावः। अशौचं यस्येत्यादिवाक्यात्। तदाह। **शवसंसर्गेति**। तत्संस्पर्शेत्यर्थः। **केवलं** अस्पृश्यत्वलक्षणमात्रम्। अनेन तृतीयपादार्थो दर्शितप्राय इति केचित्। वस्तुतस्तु तत्र क्रिया वैतानोपासनाद्या इति बोध्यम्। एवं च केवलपदं तदन्याशौचनिरासपरमिति भावः। चशब्दस्वारस्यादाह। **तद्द्रव्याणां चेति**। तथा च कृत्रिमाशौचेऽप्याशौचिहस्तात्सर्वाण्यपि द्रव्याणि न ग्राह्याणीति बोध्यम्।

अतिक्रांताशौचेऽप्येवमेत्याह। **अतीति**। **सूतकमिति** उपलक्षणं मृतकस्यापि। **तत्तद्द्रव्यस्येति** भार्यादेरपि। अत एव द्वयोरेकवाक्यता। अत एव च तत्र च इति भावः। **ब्राह्मेऽपि**

"लवणं मधु मांसं च पुष्पं मूलफलानि च। काष्ठं लोष्ठं तथा पर्णं दधि क्षीरं घृतं तथा॥

"औषधं तैलमाजिनं शुष्कमन्नं च नित्यशः। आशौचिनां गृहात् ग्राह्यं स्वयं पण्यं च मूलजम्"॥

इति। मूलजमाकरजं। एवं चान्नसत्रिणामोदनादि। अन्येषां तु भक्ष्यतंडुलाद्यप्यभ्यनुज्ञातं भिन्नं सर्वं ग्राह्यमेवानाशौचिनेति दिक्॥ १७॥

याज्ञवल्कीये १८ श्लोकः।

समुदितसंगतिमाह। **एवमिति**। आदित इत्यंतेनेत्यर्थः। **निमित्तमित्यादि**ज्ञातावेकवचनं। तस्येदमित्यण्। फलितमाह। **जननेति**। तत्राद्यमाह। **एवमिति**। **योगिनेत्यर्थः**। **निमित्तमिति**। प्रत्येकमिति भावः। कालनियमस्तु स्पष्ट एव आद्यपादेनेति पुनर्नोक्तः। **उत्पन्नं ज्ञातमिति**। अनेन प्रमितम (प?) दस्य निमित्ततोक्ता मरणादिज्ञानमात्रं तु न निमित्तं। अनागतज्ञानस्यापि निमित्तत्वापत्तेः। नन्वेवमपि स्वरूपसत एव तस्य निमित्तत्वमस्त्वत आह। **निर्दशमिति**। **मनुरयमाग्नेम**श्वदशभ्यो निष्कांतमित्यर्थः। इदं चातिक्रांताशौचविषयं न प्रकृतविषयमित्यत आह। **लिंगेति**। श्रवणस्य तत्रोपादानात्। तथा च तदेकवाक्यतया अत्रापि तथा। अन्यथा वैरूपापत्तेरिति भावः। नन्वत्र शास्त्रे "यावद्वचनं वाचनिकमिति" **सिद्धांता**युक्तिवल्लिंगस्याप्यप्रयोजकत्वात्कथं तथेत्यत आह। **तथा विगतमिति**। **मानव**मिदम्। आदिना (५।७४)

"अंतर्दशाहे स्यातां चेत्पुनर्मरणजन्मनी। तावत्स्यादशुचिर्विप्रो यावत्तत्स्यादनिर्दशम्॥" इति

मानवादिपरिग्रहः। सामर्थ्यमेवाहो**त्पत्तीति**। **मात्र**पदेन ज्ञाननिरासः। **हि** यतः। **च**स्त्वर्थे। व्युत्क्रमे उक्तमुपसंहरति। **एवो**त्पत्तिमात्रनिरासः। ज्ञानं च निश्चयात्मकमित्युक्तमेव। अथ वाक्यार्थमाह। **तद्वोभयेति**। बहुव्रीहिः। जननमरणनिमित्तकमपीत्यर्थः। योग्यतया आह।

मि. पृ. १२३. **मन्वादीति**। वैरूप्यादिनिरासायाह। **अत्राशौचेति**। विकल्पो नैच्छिकः। किंतु व्यवस्थितस्तत्सूचनादर्थमेवेष्यत इत्यत इत्युक्तमित्याह। **मन्वादिभिरिति**। **तदुक्तेति**। **मन्वा**द्युक्तेत्यर्थः। **विधीयते इति**। मानवादग्रे (५।५९-६०)

"अर्वाक् संचयनादस्थ्नां त्र्यहमेकाहमेव वा। सपिंडता तु पुरुषे सप्तमे विनिवर्तते॥

"समानोदकभावस्तु जन्मनाम्नोरवेदने। यथेदं शावमाशौचं सपिंडेषु विधीयते॥" इति पाठस्तदग्रिममाह। **जननेऽप्येवमिति**। एवं दशाहांशे उक्त्वा त्रिरात्रांशे तदेवाह। **जन्मनीति**। इतः पूर्वतनं बहुव्यवहितं। तदेवाह। **शवेति**। अत्र पूर्वपादो "अह्ना चैकेन रात्र्या च त्रिरात्रैरेव च त्रिभिरिति" पूर्वेणान्वेति। तदेतत् ध्वनयन्नेवाह। **तैर्वाक्यैरिति**। उक्तक्रमेणाह। **समानोदकेति**। **कृता** मन्वादिभिः। **त्रिरात्रमितीति**। इदमपि वक्ष्यमाणसद्यःशौचेन व्यवस्थया कल्पितं द्रष्टव्यम्।

विरोधं परिहरति। **यत्पुनरिति**। **पुंसीत्य**स्य सर्वत्र संबंधः। विजीक्षत्व यत्र न निषिद्धत्वं निषेधानुपलंभात्प्रत्युतोक्तविधेरेवोपलंभात्किंतु तद्ब्रह्मासमानत्वं विवक्षितमित्याह। **यद्यप्यवीति**। उक्ते स्मृत्याविधेरेव सत्वात् लोकविद्विष्टमेवाह। **न चेति**। न हीत्यर्थः। **एवं पूर्वार्द्धेन**। **अविशेषेणेति**। वयोवस्थाकृतविशेषाभावेनास्पृश्यत्वकर्मानधिकारलक्षणाशौचविशेषाभावेनेत्यर्थः। शावमित्युक्तेः।

स्मृत्यंतराच्चाह। **संस्थिते इति**। नियमलब्धमाह। **वेति**। तद्व्यवच्छेद्यमाह। **न सर्वेषामिति**। नन्वेवं तेषां तदभावापत्तिरत आह। **तेषां त्विति**। **उभयोर्मातापित्रोः**। **चेन** तयोः समुच्चयः। अनेन पित्रोर्जननोत्तरमेव सोदराणां नामकरणोत्तरमेवाशौचमिति सूचितम्।

नन्वत्र पक्षे जन्माशौचकालमध्ये सद्यःशौचप्रतिपादकैस्तदूर्ध्वं च त्रिरात्रादिप्रतिपादकै-

मन्वादिभिर्विरोध ऊनद्विवर्ष इत्यस्यानर्थक्यं च पूर्णद्विवर्षादौ तावदाशौचस्य सुतरां सत्त्वादत आह । **अथवेति** । नियमस्त्वत्रापीत्याह । **वेति** । विशेषोऽत्र द्वितीयाद्य इत्याह । **अस्पृश्यत्वेति** । स्मृत्यंतरेण कर्मानधिकारलक्षणाशौचस्य निषेद्धुमशक्यत्वादाह । **अस्पृश्यत्वेति** । मूलसाकांक्षमाह । **इतरेति** । तदन्याशौचस्य तद्रूपस्य त्वित्यर्थः । **सपिंडेषु** तदन्येषु । **अपिना** तयोः समुच्चयः । एवं च पित्रन्यसपिंडानां तु न द्व्यद्वोपरमेऽनुगमननियमनत्रास्त्यस्पृश्यता किंतु पूर्वद्विवर्षोपरमेन एव प्रतिपादितावधिके साति तात्पर्यम् ।

निपातानामनेकार्थत्वेन यथार्थत्वात् । दृष्टांततयाऽत्र पक्षे चरमपादः सुयोजः । न तु प्रथमपक्षे इतीदमेव **योगिसंमतमिति** हृदि निधायाह । **अत्र दृष्टान्त इति** । तदेवाह । **यथेति** । धात्वर्थानुसारादाह । **जननेति** । केवलमित्यनेन कर्मानधिकारलक्षणव्यवच्छेदः । एवं शब्दार्थमुक्त्वा न्यूनतानिरासाय तात्पर्यार्थमाह । **ऊनद्वीति** । **सपिंडेति** । पित्रन्यसपिण्डेत्यर्थः । **प्रतीति** । आर्थिकप्रतिषेधं कुर्वता **योगिनेत्यर्थः** । **अन्यत्र** पूर्णद्विवर्षादौ । तत्र मानमप्याह । **तथा चेति** । स्वाशौचस्य त्रिरात्रादिरूपतत्परिच्छेदककालस्यावयवभूतात्तृतीयभागरूपात्कालादनंतरं शूद्रादीनां शास्त्रविहितमनतिक्रम्य स्पर्शनं विज्ञेयमित्यर्थः ।

नेदं संपूर्णाशौचविषयं । तत्र तेनैव विशेषाभिधानस्यानुपदमेव वक्ष्यमाणत्वात् न च तस्य सर्वसाधारण्याच्छूद्रादीनां स्वाशौचकालादित्यसंगतामिति वाच्यम् । यत्र त्रिरात्रं विप्राणामाशौचं संप्रदृश्यते तत्र शूद्रे द्वादशाहः । य एव न क्षत्रवैश्ययोरित्यादिवचनैरसंपूर्णाशौचस्यापि विषयस्योक्तत्वात्महास्मृतिविरोधादननुष्ठानमात्रं तस्येत्यन्यदेतत्तदाह । **एतच्चेति** । विनि(यो)गमकाभावादाह । **अतीति** । **आदिना** पक्षिण्यादिपरिग्रहः । इदमेव द्रढयितुमाह । **उपेति** । तन्मरणविषयेऽपीत्यर्थः । **तेनैव** । **देवलेनैव** । **तत्वदर्शिनो वर्णादीनां** विप्रादीनां । **क्रमाद्**दशाहादिकालतृतीयभागेन गतेन । तत्र संचयने कृते सत्यंगस्पर्शनमिच्छंति । स्वयमेवोक्तं व्याचष्टे । **त्रिचतुरिति** । अत्र किंचिदधिकैस्त्रिभिरिति बोध्यम् । एतैर्भागैरवशिष्टैरित्यर्थः । आशौचकालमाह । **भोज्येति** । **दशभिर्गतैर्दिवसैरिति** शेषः । **उत्तरैरिति** । वीप्सागर्भमित्याह । **षडुत्तरैरिति** । द्वादशभिरित्यर्थः । **त्र्युत्तरैरिति** । पंचदशभिरित्यर्थः । **षडुत्तरैरिति** एकविंशत्येत्यर्थः । न च शूद्रे त्रिंशद्दिनाशौचस्य वक्ष्यमाणत्वात्तद्विरुद्धमिति वाच्यम् । तथाऽपि "शूद्रो विंशतिरात्रेण शुध्यते मृतसूतके" इति वक्ष्यमाण**शातातपा**नुरोधित्वात् । तथा चात्र प्राप्तैस्तथा दिनैरित्यर्थः । शेषपूर्णस्याकांक्षाधीनत्वात्तस्याश्चेष्टानुरोधित्वात् । एतेन **षडुत्तरैः पंचदशभिरिति** व्याख्येयमिति विवेचनोक्तमपास्तम् । उक्तरीत्यासामंजस्यात् । तथा व्याख्याने मूलैकवाक्यतायामपि प्रक्रमादिस्वारस्येनाष्टादशाधिकैः पंचदशभिरित्यस्यैव लाभेन तथोक्तेरसंभवेनातिप्रसंगेन तत्रैव नियामकाभावेन चायुक्तत्वाच्चेति दिक् । परं त्विदं कलौ निषिद्धम् । "अस्थिसंचयनादूर्ध्वमंगस्पर्शनं तथेति" तद्वर्ज्ये **माधवीये** पाठादिति बोध्यम् ॥ १८ ॥

इदमेव **योगिसंमतमिति** पुनराह । **जननेति** ।

याज्ञवल्कीये १९ श्लोकः ।

प्रागवदाह । **जननेति** । सर्वं वाक्यं साधारणमिति **न्यायेनाह** । **एवेति** । अत एवाह ।

नेति । **तच्चेति** । तन्त्रित्यर्थः । ध्रुवत्वं यथाशास्त्रमित्याह । **दृशेति** । उपलक्षणमिदम् । पक्षांतराभि-
मि. पृ. १७४ प्रायं वा । पुत्राद्यसृजोऽसंभवादाह । **तस्याः सम्बंधि इति** । **वसिष्ठ इति** । **अंगिरा** अप्येवम् । तुशब्दसूचितमाह । **पितुस्त्विति** । तत्र हेतुमाह । **स्नानेति** । यत इत्यादिः । ननु तत्र स्नानस्याऽविहितत्वात्कथं तथा आह । **यथाहेति** । अत्र पुत्रग्रहमुपलक्षणम् । सामान्यविषयोत्तरार्धसमभिव्याहारात् ।

"सूतके तु मुखं दृष्ट्वा जातस्य जनकस्ततः । कृत्वा सचैलस्नानं तु शुद्धो भवति तत्क्षणात् ॥" इति

तादृशब्राह्मात् । पित्रोस्त्विति तादृशमूलाच्च । उक्तवासिष्ठं तु मिथुनीभावात्मकसंसर्गाभावे स्नानोत्तरमस्पृश्यता नास्ति । तत्सत्वे तु तदुत्तरमपि सेत्येतदर्थकम् । एतेन तत्र पुत्रग्रहणं विवक्षितं मत्वा पुत्रसूतके संसर्गेऽस्पृश्यतानापत्तिमनालोच्य वासिष्ठं कन्यासूतकपरम् । स्नात्वा कन्यासूतके स्नानात्पूर्वमपि पितुर्नास्पृश्यत्वामिति मित्राद्युक्तमपास्तम् । विशेषमाह । **मातेति** । चस्त्वर्थे । **सूतिकामिति** । अतिक्रान्तेनेति शेषः । उभयत्र विंशतिरात्रादिकं च दशाहोत्तरं बोध्यम् । तेन न स्मृत्यंतरविरोधः । **मनुरपि** (५।६२)

"सर्वेषां शावमाशौचं मातापित्रोस्तु सूतकम् । सूतकं मातुरेव स्यादुपस्पृश्य पिता शुचिः ॥" इति ।

अत्राशौचे नष्टे निर्हेतुकर्मानधिकारासंभवादाशौचमेव तावत्पर्यन्तामिति केचित् । आशौचे गतेऽपि वचनात्पतितादिवत्कर्मानधिकार इत्यन्ये । वस्तुतस्तु द्विविधाशौचस्य सत्वेनैकशक्तिनाशेऽप्यन्यशक्तेरनाश इति बोध्यम् । मूलतात्पर्यं स्पष्टयति । **अंगीति** । **वर्ज्यमिति** । णमुलंतम् ।

उत्तरार्धार्थमाह । **यस्मिन्निति** । न प्रेत्यस्य दुष्टं न भवेदित्यर्थस्तदर्थमाह । **तन्निमित्तेति** । तत्र हेतुः **पूर्वेषामिति** । **जन्मेत्यस्य** जन्मरूपहेतोरित्यर्थः । तदाह । **यस्मादिति** । "आत्मा हि जज्ञे आत्मन"इत्यादिश्रुत्याद्यनुरोधेनाह । **पुत्रेति** । इदं च नालछेदात्पूर्वं "प्राङ्नाडीछेदात्संस्कारपुण्यार्थान् कुर्वंति नाड्यां छिन्नायामशौचामिति" **हारीतात्** न केवलं ग्रहणादिवद्दाने एवाधिकारः किन्तु प्रतिग्रहेऽपि न दोष इति सूचयन्नाह । **तथा चेति** । भूगवादीनां द्वंद्वं कृत्वा हिरण्येन द्वंद्वं कृत्वाऽऽदिना बहुव्रीहिः कार्यः । विषयसप्तमीयम् । आनंत्यादुपसंहरन्नाह । **तत्रेति** । तद्दिने इत्यर्थः । **कृतान्नं** सिद्धान्नम् । इदमपि नालि(डि?)छेदात्पूर्वमेव "कुमारप्रसवेनाड्यामविच्छिन्नायां गुड-तैल-हिरण्यवस्त्र-प्रावरण-गो-धान्य-प्रतिग्रहेऽदोष" इति **शंखात्** । **जन्मदानामदेवता** इत्येकं पदं । **यागः** पूजा । क्रियाविशेषणमिदम् । एतेषु त्रिषु सर्वदा एव सर्वथैवेत्याद्यर्थः । **तथा** प्रथमरात्र्यादिवत् । **तत्र रात्रौ** । तस्यां रात्रौ । अत्र जातश्राश्राद्धादपि । तथा च **ब्राह्मे**

"देवाश्च पितरश्चैव पुत्रे जाते द्विजन्मनाम् । आयांति तस्मात्तदहः पुण्यं षष्ठं च सर्वदा ॥
"तत्र दद्यात्सुवर्णं च भूमिं गां तुरगं रथम् । छत्रं छागं च माल्यं च शयनं चासनं गृहम् ॥
"जातश्राद्धे च न दद्यात्पक्वान्नं ब्राह्मणेष्वपि ।" इति ॥ १९ ॥

आशौचमध्ये । द्विविधाऽऽशौचमध्ये ।

याज्ञवल्कीये २० श्लोकः ।

पूर्वार्धः ।

जन्मेति । समाहारद्वंद्वः । शेषाहोभिरित्यत्र समासांतविधेरनित्वान्नटच् । विनिगमका-

भावादाह । **वयोवस्थेति** । सामान्योक्तमपि अविरोधाय विशेषं वक्तुं विशेषपरतया व्याचष्टे। **तत्समस्येति**। तात्पर्यार्थमाह। **न पुनरिति** ।

मनुरपि (५।७८)

"अंतर्दशाहे स्यातां चेत्पुनर्मरणजन्मनी। तावत्स्यादशुचिर्विप्रो यावत्तत्स्यादनिर्दशनम्॥" इति।

तमेव विशेषमाह । **यदा पुनरिति** । यदा त्वित्यर्थः । **स्वल्पेति** । अनेन पूर्वप्रवृत्तशावमात्रेण तदंतःपातिसूतिशावमात्रयोः पूर्वप्रवृत्तसूतिमात्रेण च तदंतःपातिसूत्याशौचमात्रस्य निवृत्तौ प्राप्तायां लघुनाऽधिकस्य तन्निषेधः क्रियते । उभयत्र तत्प्राप्त्यविशेषात् । तथा च त्रिरात्रादिशावांतःपातिदशाहादिसूत्याशौचस्य न पूर्वेण निवृत्तिः । किंतु स्वकालं यावदनुवर्तमानस्यैव तस्यास्पृश्यत्वादिस्वधर्मप्रयोजकत्वमात्रेण गरीयसा शावेन स्वधर्मप्रयोजकनिवृत्तिमात्रम् । **अंगिरोवाक्यात्** । युक्तं चैतत्

"सूतकाद्द्विगुणं शावं शावाद् द्विगुणमार्तवम् । आर्तवात् द्विगुणं सूतिस्ततोऽपि शवदाहकः॥"

इति **वृद्धात्रेः** ।

अत्र पूर्वपूर्वेण नोत्तरोत्तरनिवृत्तिरस्पृश्यत्वाधिक्यात् । तदेतदभिप्रेत्य विशेषांतरमाह । **अत्र चांतरेति** । मूलस्मृतावित्यर्थः । **अथ**शब्दः पक्षांतरे । तथा चोक्तसामान्यमपि विशेषपरमित्युपसंहरति । **तस्मादिति** । एतेन

"आद्यानां यौगपद्ये तु ज्ञेया शुद्धिर्गरीयसी । मरणोत्पत्तियोगे तु गरीयो मरणं भवेदिति ॥"

कौर्मे । पूर्वार्धापवादत्वमुत्तरार्धस्येति लघुनाऽपि शावेन दीर्घसूतेरपि स्वरूपनिवृत्तिरूपो बोध इति **रुद्रधरोक्तम**पास्तम् । सत्यप्यपवादत्वे **तस्यौशनसा**ऽविरोधाय स्वधर्मप्रयोजकत्वमात्ररूपगरीयस्त्वप्रतिपादकत्वात् । वस्तुतस्तु सर्वविधगरीयस्त्वबोधकत्वेऽपि तस्य न तदपवादत्वं किंतु तदविरोधे न समाधिककालशावगरीयस्त्वबोधकत्वमेवेतिबोध्यम् । विशेषान्तरमाह । **तथेति** ।

मि. पृ. १७५. **स्मृत्यंतरे शंखीये** पिता। अ इतिछेदः। स च निषेधार्थः । उत्तरान्वयी। शेषेण शुद्धिरित्यस्याऽऽवृत्तिः । तदेतदभिप्रेत्यार्थद्वयमाह। **तदा नेति**। द्वितीये शेषेणेत्यस्य शिष्यमाणेन विधीयमानेनेत्यर्थादाह । **नाशौचेति** । तुसूचितवैलक्षण्यात्तुर्यपादार्थमन्यथा आह। **तथेति** । मात्रपदेन किंचिच्छुद्धिरस्त्येवेति सूचितम् । अयमेव पूर्वतो विशेषः । **क्षिपेत्**। अतिक्रामेत् । कुर्यादिति यावत् । एवं च मात्राशौचेनापि न पित्राऽशौचस्य निवृत्तिः किमुतान्येन । तथा पित्राशौचेनापि केवलेन मात्राशौचस्य न निवृत्तिः। किमुतान्येन केवलेनान्यसहितेन वेति बोध्यम् ।

एवं पर्यवसितपूर्वशेषकृतशुद्धेरनतिप्रसंगाय विशेषांतरमाह । **तथेति** । आशौचयोः संनिपातो यत्र तादृशकालविशेषे इत्यर्थः । अत्र रात्रिशब्दोऽहोत्रपरः। प्राग्वत् । एवमग्रेऽपि । तद्रूपशेषे इत्यर्थः । "अथ यदि दशरात्रात्संनिपतेयुराद्यं दशरात्रमाशौचमा नवमदिवसादिति" **बौधायनात्** (अ. सू. १।५।१०४) । तदेतदभिप्रेत्याह । **रात्रिमात्रेति** । मात्रपदेन तत्पूर्वतनव्यावृत्तिः । बहुव्रीहिरयम् । यद्यपि सूर्योदयात्प्राचीनः प्राचीप्रकाशकालः प्रभातपदवाच्यस्तथापि वक्ष्यमाणानुरोधेन तत्सामीप्याल्लक्षणेत्याह । **पश्चिमे यामे इति** । तदर्थमेवाह । **शातातपेनेति** । एवमस्या गतिसंभवेऽनाकरस्थमिदमिति **मिश्रोक्त**मयुक्तमिति बोध्यम् । इयं च सांनिपाते पवशेषेण शुद्धिः

सूतिकाग्निदसपिंडानाम् । तयोस्तु निमित्तादारभ्य पूर्णमेव अनधिकारास्पृश्यत्वोभयलक्षणमाशौचम् । तथा च **षडशीत्याम्**

"पूर्वाशौचे तु या शुद्धिः सूतके मृतके च सा। सूतिकामग्निदं हित्वा प्रेतस्य च सुतानपि"॥इति।

विशेषांतरमाह । **प्रेतेति । तेनैव शातातपेनैव । तथैव** पूर्वपिंडवत् ।

अत्र जननग्रहणं मरणस्याप्युपलक्षणमित्याह । **तथेति ।** प्राग्वदाह । **तथेति** । आशौचे

(उत्तरार्द्धः)

सूतिनिमित्ते मृतिनिमित्ते वा । व्यवहितसंगतिमाह । **पूर्णेति** । बहुव्रीहिः । एवमग्रेऽपि । जहदजहल्लक्षणामाह । **द्रवाद्रवेति ।** शक्तिसंभवे लक्षणा न युक्तेति शंकते । कुत इति मुख्यार्थबाधमाह । **द्रवत्वेति** । एवं पदार्थमुक्त्वा वाक्यार्थमाह । **गर्भस्येति। निशा**शब्द आहोरात्रपरः । एवमग्रेऽपि ।

विशेषमाह । **एतच्चेति** । एवः स्पष्टार्थः । विरोधं पाक्षिकं परिहरति । **यत्पुनरिति** । गर्भस्रावसमा रात्रीः । "संस्रवे गर्भस्येति" (अ. ५ सू. १५) तदादिः । **अर्वाक्** मासत्रयमध्ये **अचिरे**त्यस्य निकटवर्तिगर्भस्रावेत्यर्थः । तात्पर्यावसितमाह । **मासेति । उत्तमे** इत्यस्य वर्णे इत्यर्थः । तत्फलितमाह । **ब्राह्मणेति ।** अयं भावः ।

"षण्मासाभ्यन्तरे यावद्गर्भस्रावो भवेद्यदा । तदा माससमैस्तासां दिवसैः शुद्धिरिष्यते ॥" इति विहितस्य माससमदिवसाशौचस्य तदंतःपातिस्रावविषयेण निरवकाशेन स्रावे मातुस्त्रिरात्रमिति वक्ष्यमाण**मरीच्युक्तेन** त्रिरात्राशौचेन बाधायामपि पातविषयत्वमवशिष्यते मूलादेस्तथापि "दिवसैर्निशा" इति बहुवचनानुरोधात्त्रिरात्राशौचस्यैवाद्यमासत्रयविषयत्वं युक्तम् । न चाद्यमासमात्रं द्वितीयमात्रं तत् । द्वयमेव वा तस्य विषयो युक्तः । आद्ये त्रिरात्रम् । द्वितीये द्विरात्रमित्यनौचित्येनाद्यपक्षासंभवात् । अचिरशब्दस्य लिंगसमवायिगौणस्रावशब्दस्य चानुरोधेनाद्यविषयत्वावश्यंभावेन द्वितीयासंभवात् । तृतीयविषयत्वे विरोधाभावेन तत्परिहारहेत्वभावेन तृतीयानुपपत्तेः । **गौतमो**क्तपक्षद्वयस्योक्तवचनात् षण्मासविषयत्वव्यवस्थासंभवे व्यवस्थायोगेन तदपेक्षायामचिरशब्दौचित्य**न्यायानुगृहीतेन** समं स्यादिति **न्यायेनां**त्यमासत्रयविषयत्वेन व्यवस्थायुक्तत्वाच्चेति बहुवचनानुपपत्तेरिति वदता व्याख्यात्रा सूचितमिदं सर्वमिति बोध्यम् ।

तदेतदभिप्रेत्याह । **एतच्चेति ।** मूलोक्तं चेत्यर्थः । तथा च चतुर्थे चत्वारि पंचमे पंच षष्ठे षडिति फलितं । नन्वेवमग्रे किमत आह । **सप्तेति । तत्र** स्रावपातशब्दयोरेवाभावादिति भावः । न तु तत्र तदप्रयोगेण तदविषयत्वेऽपि "अत ऊर्ध्वं प्रसूतिः स्यादिति" वाक्यात् तत्प्रयोगेऽपि च पूर्णाशौचे किं मानमत आह । **षण्मासेति । अत ऊर्ध्वं ।** षण्मासादनंतरम् ।

सद्यःशौचमित्यत्र प्रसंगाद्विशेषमाह । **एतच्चेति** । तथा च पतनपदेन प्राग्वत् स्रावो विवक्षित इति भावः । **सद्यःशौचमि**त्यस्य स्नानमात्राच्छुद्धिरित्यर्थः । अशुचित्वाभावे शौचविध्यनुपपत्तेर्निष्कारणशौचासंभवाच्च । अत एव विरोधं परिहरति । अत्र पतनशब्देन स एव

मि. पृ. १७६ विवक्षित इति भावः । उभयत्र मानमुचितमेवाह । **आचतुर्थादिति ।** आङभिविधौ स्रावे आद्यमासत्रये सपिंडेति बहुव्रीहिक्रियाविशेषणं च प्रकृतत्रिरात्राशौचं नेति तदर्थः ।

ननु सर्वथाशौचनिबंधकं सद्यःशौचमित्यनेन विरोधापत्तेः । एवं स्नानमात्रमेव पुरुषस्येति **वासिष्ठमपि** मात्राऽशौचविधायकं सत् तत्प्राप्तमेव पितुः स्नानमनुवदति। न त्वन्येषां तन्निवर्तयति वाक्यभेदापत्तेः । यद्यपि तद्वाक्यपर्यालोचनया स्नानमाससमाशौचयोरेकविषयत्वं प्रतीयते तथापि वाक्यांतरबलाद्भिन्नविषयत्वं कल्पमानमदोषावहमिति भावः । पाते चतुर्थादित्रये पूर्व-स्मृतौ तासामित्युपलक्षणम् । प्रसवे सपिंडानां दशाहं शावमिति ।

"यथेदं शावमाशौचं सपिंडेषु विधीयते। जननेऽप्येवमेव स्यान्निपुणां शुद्धिमिच्छताम्॥" इति । च **मनुना** दशाहाशौचस्योक्तत्वात् । तदेतत् ध्वनयन्सपिंडेषु अग्रे सविशेषमा सप्तेति गरीति दशा-हादीत्यर्थः । ननु शावाशौचेन निवृत्तिरुपयुक्तेरिति भावः । जातमृते इति नालछेदोत्तरं

"यावन्न छिद्यते नालं तावन्नाप्नोति सूतकम् । छिन्ने नाले ततः पश्चात्सूतकं तु विधीयते ॥"

इति **जैमिनीत्युक्तेः**। अस्यैतत्प्रकरणपाठान्मृतपूर्णशब्दावध्याहृस्य योजना कार्या । **अंतरिति**। दशाहमध्ये इत्यर्थः । छेदमाह । **उत्थानादिति** । उदकदानराहित्येव च अर्हार्थे **वतिः** । सूत-कार्हे प्रसवनिमित्तं पूर्वान्वयि तत्फलितमाह । **शिशूपेति** । 'सूत्ये'त्यस्य यत इत्यादिः । इदं च पूर्णाशौचनिषेधकं तेन न वक्ष्यमाणः सद्यःशौचेन विरोधः ।

उपसंहरति । **एवमादीति** । अविरोधायाह । **यत्पुनरिति** । **शुद्धीति** । निवृत्तीत्यर्थः । **विपत्तिर्नाशः** । संबंधिनोऽधिकरणविवक्षया विरोधपरिहारा बोध्याः । सिद्धस्य गतिश्चिंतनीयेति **न्यायेनाह** । **तदा सूचकमिति**। अत्र व्याख्याने पौनरुक्तादाह। **अथवायमिति** । तदाक्षिप्त-शेषमाह । **यदीति** । **तत्र** अंतर्दशाहे पूर्वत्र । तत इत्यस्यार्थमाह । **जननेत्यादि** । 'प्रागि-त्यनेन **वर्धनशब्दस्य** विपरीतलक्षणया छेदने प्रयोगः ।

एवं पूर्वविषयत्वमुक्त्वा द्वितीयविषयमाह । **सद्य इति** । **अग्नीति** । अग्निहोत्रादिहोमार्थ-मित्यर्थः । **उपस्पर्शे**ऽत्राचमनम् । एवं सति प्रागुक्तमेवाह । **नाभीति** । व्याख्यातमिदं कंचिदनुक्तं विशेषं चरमं स्मरति। मूलोक्तार्थे **मनुसम्मतिमाह** । **मनुनाऽपीति** । अयं योग्ययुक्तः संपूर्ण नोक्त-परमसंभवादित्याह। **पूर्वेति** । रजसो वास्तवोपरमाभावात्सर्वथोपरमाभावाच्च तेनैव. तस्यास्तत्वाद्रज-स्वलापदसूचितमाह। **निःसेति**। **साध्वीति** । सूचितमाह। **स्पर्शादिति** । स्त्री ग्रहणेन स्त्रीमात्रस्यायं धर्मो न तु तद्विशेषाया इति सूचितः। तत्र मानमाह। **तदुक्तमिति**। अर्हार्थे ठञ्। स्वागतादित्वादैज्। न **व्यावहारिकीति**। **तथा चेति**। तथा स्मृत्यंतरमपीत्यर्थः । **भर्तुः शुद्धा** स्पर्शादियोग्या । नियमा-भावान्मन्वनुरोधेनाह । **पंचमेऽहनीति** । प्रसंगात्तत्र विशेषमाह । **यदेति** । **दर्शनात् तद्दि-**

मि. पृ. १७७. **नात्** । अभ्यंतरे स्नानोत्तरमिति शेषः । विंशदिति आर्षं । अविरोधायाह । **यत्त्विति** । **स्नानेति** त[illegible]नेत्यर्थः । विशेषांतरमाह। **अयं चेति** । कदाचिदन्यथासत्वेऽपि तत्सं-ग्रहार्थं **प्रायश इति** । **पुनः** तु । विशेषणफलमाह । **प्राचुर्येणेति** ।

प्रसंगात्तद्धर्मानाह । **तया चेति** । रजस्वलया चेत्यर्थः । **ग्रहान्** । सूर्यादीन् । धावेदिति पाठः । **अश्वर्वेण** महता । इदं सर्वं प्राक् स्पष्टीकृतम् । **नैमित्तिके** ग्रहणादिति निमित्तके । **पात्रांतरि**[illegible]**त्यनेन** साक्षान्नद्यादिस्पर्शाभाव उक्तः । **अद्भिः** सिक्तगात्रा सती कथंचन न व्रतांगोपांग

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१ स[illegible]कषाद्वित्यत्र । २ क्रियाविशेषणम् ।

पांगसहिता भावेदित्यन्वयः । आदरार्थं पुनः प्रश्नः । **शुद्धिरिति । तां** ज्वराद्यभिभूतां । अवधिमाह । **दशेति** । ज्वरेत्युपलक्षणमित्याह । **पंचेति । मात्रं** कात्स्न्र्ये । **उत्पन्ने** प्राप्ते सति अन्वादेशसत्वादेनादेशः । स्नाने एव विशेषमाह । **यदा त्विति । अयं** वक्ष्यमाणः । पूर्वस्तु जीवद्विषयकः । तत्रादौ व्युत्क्रमेण सूतिकाया आह । **सूतीति । पुण्यर्गिभरित्यत्रा**नित्यत्वात्समासांतो न । **अपोभिमंत्र्य** स्थिता । **ततो** विप्रात् । **वाचा** सा शुद्धिं लभेदित्यर्थः । **तेनैव कुंभेनैव । पंचभिरिति** । अत्र **व्यासोक्त्या** कुशोदकं नेति बोध्यम् । विप्रोऽत्र **प्रयोजककर्ता** । अथोभयसाधारणं विशेषमाह । **एतच्चेति** । प्रागुक्तं चेत्यर्थः । **एक इति** मुख्य इत्यर्थः । अद्यतनलक्षणे तथा दृष्टत्वादिति भावः । **अपरस्तृतीयः** । सर्वत्र मानमाह । **यथाहेति । विपत्तिर्मरणम् । यस्य** अन्यतमनिमित्तस्य । अथ रात्रिविषये **आहोषस इति** । रात्रावित्यर्थः । **तच्छुद्धौ** तच्छुद्धिविषये । दिनं ग्राह्यमिति शेषः । कुत्रेत्याकांक्षायामाह । **अर्द्धेति** । एवं मुख्यपक्षमुक्त्वा द्वितीय-

मि. पृ. १७८ माह । **रात्रिमिति** । पूर्वं एव दिवसः । **ऋत्विति** समाहारद्वंद्वः । **एवेन** भागव्यवच्छेदः । **मृते** मरणे । अविरोधायाह । **एतेषां चेति** । अथ प्रकृते एव मूलानुक्तं विशेषांतरमाह । **इदं चेति । आहितेति** । आहितमाधानं तद्यस्यास्तीत्यर्श आद्यच् । तादृश अग्निर्यस्यास्ति । तस्य श्रौताग्निमत इत्यर्थः इति केचित् । **वस्तुतस्तु** भूतनिष्ठयाधानस्य भूतत्वलाभेऽपि बहुव्रीहिणा तादृशाग्निसत्ताया वर्तमानतस्यैव लाभाद्यथाश्रुतमेव युक्तमिति बोध्यम् । स्मृतितस्तथैव लाभात् । **अनाहिताग्नेरुक्त**भिन्नस्य । अनेन सर्वसंग्रहः । नञो भिन्नार्थत्वात् । **संचेति** । "प्रथमेऽह्नि द्वितीयेह्नी"त्यादिना विहितमिति भावः । **अनग्नीति** । श्रौताग्निमद्भिन्नस्य सर्वस्येत्यर्थः । **साग्नेः** श्रौताग्निमतः । यद्यप्यत्रोभयत्रापि सामान्येनोक्तं तथापि "दाहादेव तु कर्तव्यं यस्य वैतानिको विधिरिति" **स्मृत्यंतरा**त्तथेति बोध्यम् । अत एव तथैव **प्रतिज्ञातं**" व्याख्यात्रा "**मृताहस्तु** यथातिथीति" पाठः । क्षयाहस्तु तत्र वर्तमानतिथिमनतिक्रम्य बोध्य इत्यर्थः । **आसंस्कारात्** आसंस्कारोपक्रमात् । "आशौचाभावस्योक्तत्वादेवाह । **संध्यादीति** । आशौचादित्यादिना तन्निमित्तकं संध्यावंदनत्यागादि गृह्यते ।

"ऊर्ध्वं त्रिपक्षाद्यच्छ्राद्धं मृताहन्येव तद्भवेत् । अधस्तु कारयेद्दाहाद्दाहिताग्नेर्द्विजन्मनः ॥"

इति स्मरणात् त्रैपदिकपर्यंतं प्रेतकार्यमपि श्रौताग्निमतः संस्कारदिवसे एत्तदुत्तरं तु क्षयाहतिथौ एवेति बोध्यम् । एवं च प्रागुक्तविधुराग्न्यादेरग्न्यंशे श्रौताग्निमत्तुल्यत्वेऽपि अन्यत्र सर्वत्र तद्भिन्नतुल्यतेति बोध्यम् ॥ २० ॥

याज्ञवल्कीये २१ श्लोकः ।

(पूर्वार्द्ध)

प्रागुक्तदशाहत्र्यहादिकालावच्छिन्नस्य सर्वस्याशौचस्यापवादोऽविशेषादित्याह । **सपिंडत्वादिनेति** । **क्वचिदित्यस्यैव** व्याख्या **मृत्युवीति** । "डिंबाहवहतानां च विद्युता पार्थिवेन च" (५।९५) इति । **मनोराह । नृपोऽभीति । आदिना** वर्णत्रयपरिग्रहः । पक्षिनिरासाय सादृश्यं सूचयन् शृंगीदंष्ट्रीति **ब्राह्मानुरोधेनाह । शृंगितिरश्चामिति** । तद्रूपं तिर्यग्योनिनामित्यर्थः । एतेनोभयत्र न्यूनता परिहृता । एतदर्थमेवाह । **विप्रेति** । चांडालादिति ***स्मृतिराह** ।

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* स्मृत्यन्तरादाह अन्त्यजेति–इति भाति ।

अंत्यजेति । अंत्यजादेरप्युपलक्षणमित्यर्थः। अत एवाभ्यर्हितत्वान्नृपस्यैव पूर्वनिपातः। एवं पदार्थमुक्त्वा वाक्यार्थमाह । **तैरिति** । यथाश्रुतेऽसंबद्धत्वाच्छेषमाह। **संबंधिन इति** । एवमग्रेऽपि, वक्ष्यमाण**गौतमा**त्प्रागुक्तसिद्धांतानुरोधेनाह । **बुद्धीति** । एतत्तत्त्वं प्रागुक्तम्। इन्द्रियार्थेनाक्षशब्दे-नातद्व्यापार इत्याह । **यावदिति** । तात्पर्यार्थमाह । **सद्य इति**। व्यवच्छेद्यमाह । **न पुनरिति** । बुद्धिपूर्वमित्यस्य समूलत्वायाह । **तथा चेति** । व्याख्या पूर्ववत् । **हतानामि**त्यस्याग्रेऽप्युपभयत्र संबंधः । **अयुद्धे इति** सन्निहितपूर्वान्वयि । **प्रमादेति** । तत्र दशाहादेः प्राक् प्रतिपादितत्वात् गोर्ग्रहेऽपीति पाठः । योषितां गोर्वा ग्रहेऽपि ये मृतास्तेषामित्यर्थः । **पुनस्त्वर्थे** । **आहवे । संग्रामे । उद्यतैः शस्त्रै**र्हननसाधनैरायुधैः । पाषाणादिभिरपि । **क्षत्रधर्मो**ऽपराङ्मुखत्वम् । तेन हतस्य तु सद्यःशौचम् । **यज्ञः** पिंडदानादिरूपः । **संतिष्ठते** समाप्तो भवति । आशौचमपि सद्य एवेत्यर्थः । तस्य **यज्ञ**त्वोक्त्या तत्पुण्यभाक्त्वं सूचितम् । एवं च तत्रैव मृतानां सद्यःशौचे तदहरेव च सर्वमौर्ध्वदेहिकं वचनात् । एकरात्रं तु तद्विषयमित्युक्तमेव **काश्यपोक्तं** संग्राममृतस्य त्रिरात्रं तु प्राप्तमृत्युकालविषये **भृग्वादि**साहचर्यादिति बोध्यम् । **हरदत्तेन** तु ह्रस्वपाठस्यैव सभ्यत्वांगीकारेण दीर्घमाहेशयुद्धमाबोधनमित्याङ्प्रश्लेषांगीकारेण चमनुषज्य योगविभागेन व्याख्यातं “डिवाहवेति” **मन्वनु**रोधात् ।

(उत्तरार्धः)

एवं च गौजलाग्निविप्रादिभिरात्मघाते स्मृतिष्वाशौचाभावसद्यःशौचैकरात्रत्रिरात्ररूपा ये पक्षास्तेषामेवं व्यवस्था आद्ययोरवैधात्मघातविषयत्वतृतीयस्य तल्लक्षितेन कालांतरमृतविषयत्वं तुर्यस्य वैधवृद्धांधात्मघातविषयत्वमिति **वाचस्पत्या**द्युक्तव्यवस्था तु न युक्तेति स्पष्टमन्यत्र। **ज्ञातेति** प्रमितस्यैवेत्यर्थः । **निमित्तत्वात्** । तत्वस्योक्तत्वात् तज्ज्ञानमात्रं तु न हेतुरनागततज्ज्ञानस्यापि तत्वापत्तेः । **आदिना** मरणम् । अत्र न वक्ष्यमाणलक्षणलक्षितदेशांतरग्रहणमिति स्वव्याख्यानं स्वयमेव व्याचष्टे । **यत्रस्थेनेति** । अपि तु द्वितीयादौ ज्ञायत इति भावः । **तस्मिन्तत्रस्थे** । मातापितृस्थले विशेषस्य वक्ष्यमाणत्वादाह । **सपिंड इति** । सर्वमिति **न्यायेनाह** । **स एवेति** । शुचिरित्यस्यात्राप्यन्वयमभिप्रेत्याह । **शुद्धीति** । न तु श्रवणप्रभृतिदशाहादिकमिति भावः । **मनु**रपि (५।७५)

“विगतं तु विदेशस्थं शृणुयाद्यो ह्यनिर्दशम् । यच्छेषं दशरात्रस्य तावदेवाशुचिर्भवेत् ॥” इति ।

शंखोपि । सूचितमाह । **एकेति** । मानवव्याख्यातं । इदं तत्र साधकत्वेन प्राक् लिखितं व्यंग्यार्थमाह । **पूर्णे इति** । इतीत्यनेन । अत एव **मनुना** ज्ञातिमरणमित्येवोक्तम् । नन्वेवं सपिंडत्वाविशेषात्तत्र पितुरपि तन्न स्यादत आह । **पितुस्त्विति** । श्रुते इति शेषः । सचैलमित्यपि **मानवमे**वाह । **श्रुतेति** । नन्वेवमन्यसपिंडानामपि तत्स्यात्तत्तुल्य**न्याया**दत आह । **एतच्चेति** । एतदेव पुत्रग्रहणमित्यर्थः । तस्य संबंधिशब्दत्वेन पितुरेव तल्लोभात् तस्याविवक्षितार्थत्वेऽप्याह । **अन्यथेति** । तथेत्वष्टे इत्यर्थः । तस्मा**द्केवलः** सामान्यरूपोऽपि सपिंडाविषय इत्याह । **तथा** मि. पृ. १७९. **चेति** । सपिंडांशे मूलसिद्धमुपसंहरति । **तस्मादिति** । तं पाठं व्याचष्टे । **प्रोषिते इति** । सर्वांषेमित्यस्य सर्वत्रान्वय इत्याह । **सर्वेषामिति** । तात्पर्यार्थमाह ।

अर्वीति । वक्ष्यमाणवद्विशेषाभावेनेत्यर्थः । अशेषे पुनः शेषाभावे तु तात्पर्यार्थमाह । **अतीति** । उपस्थितत्वादाह । **सर्व इति** । **स्पृष्ट्वैव**स्तत्वैषसामान्येन सर्वांगस्पर्शप्रतीतेः ।

अयं च । एतत् पाठबोध्यः । **दशाहादिति** । **मनु**रपि "अतिक्रान्ते दशाहे तु त्रिरात्रमशुचिर्भवेदिति" (५।७६) । नन्वेवं पूर्वपाठे बाध्यसद्यःशौचस्य कागतिर्न च तदप्रमाणमेव आर्षत्वाविशेषेण मुनिभेदे इव तदैक्येऽपि तत्वस्य दुर्वचत्वादतः 'शाखांतराधिकरण'**न्यायेन** तत्पाठैकवाक्यतयैव तत्पाठीयद्वितीयपादव्यवस्थाकरणोपस्थिततत्पाठीयद्वितीयपादव्यवस्थामव्यधानेनादौ आह । **पूर्वोक्तं त्विति** । संवत्सरोत्तरम् । अनेन पाठेनैव लाभादाह । **अर्वाक् संवत्सरादिति** । तत्पूर्तिक्षणात्पूर्वमित्यर्थः । एवमग्रे पूर्वत्र च बोध्यम् । अन्यथा विरोधः सर्वत्र स्पष्ट एव । एवं च न कस्यापि वचनस्य वैयर्थ्यम् । एतेन स्नानविषयप्रदर्शक**मिताक्षरा**ग्रंथेऽर्वाक् संवत्सरादित्युक्तेराशयं न विद्म इति **विवेचनोक्तं** समाहितम् । "वर्षोत्तरं स्नानमात्रमिति" **मदनोक्तम्** । पूर्वपाठानुसारेण **मानवे** निर्देशमित्यस्य निःक्रांताशौचकालपरत्वमाश्रित्य त्रिरात्राद्याशौचातिक्रमेऽपि स्नानोदकमात्रमिति **रुद्रधरोक्तं** चापास्तं च ।

विरोधं परिहरति । **यत्पुनरित्यादि** । उक्तसर्वव्यवस्थायां मानमाह । **तथा चेति** । अत्रापि निमित्तसांनिध्यतारतम्यं बीजं बोध्यम् । एतेनान्यथाशंका निरस्ता । **षण्मासे इति** । समाहारे तद्धितार्थे वा द्विगुः । पूर्वत्र पात्रादित्वम् । स्नानमुदकस्याप्युपलक्षणम् । उक्तं मूलात् । उक्त**मानवे** स्पृष्ट्वैवेत्येव तूक्तकालनिवृत्त्यर्थो न तूदकनिवृत्त्यर्थः । उक्तवाक्यद्वये संवत्सरग्रहणं तदूर्ध्वमपि स्नानोदकप्राप्त्यर्थं न तु वर्षमध्येव नवमादूर्ध्वमप्यधिकाशौचाभिप्रायम् । उक्तमूल **वसिष्ठोक्तेः** । तत्रोक्तमेव व्याख्यात्रा । यत्तु **देवलेनोक्तम्**

"आ त्रिपक्षात् त्रिरात्रं स्यात्षण्मासात्पाक्षिणी ततः । परमेकाह आवर्षादूर्ध्वं स्नातो विशुध्यति॥"

तत्पक्षान्तरं **माधवसंमतमिति** बोध्यम् ।

सपिंडे इति प्रागुक्तिसूचितं विशेषमाह । **एतच्चेति** । प्रोषिते इत्याद्युक्तं सर्वमित्यर्थः । अत एवैतच्चेति सामान्येनैवोक्तम् । तेन च प्रकृतव्याख्येयपरामर्शः । तथैव ग्रंथकारशैलीसत्त्वात् विशेषपरत्वे हि एतच्च पुत्रग्रहणमित्यनुपदोक्तवद्विशिष्यैव ब्रूयात् । किंच **स्मृत्यंतरं वासिष्ठस्यैव** बौधवमाह । मूलादेरित्यत्र विनिगमकाभावः । किं च तेन दशाहेऽपि द्वितीयादौ ज्ञाने त्रिरात्रस्यैव प्रागुत्थानबाधन तत्रापि तत्संभवः । तस्यापि मूलादितो दशाहोत्तरपरत्वं स्वीकृत्य तद्बोधकमेवेदमिति च स्वतंत्राणामेवं वक्तुमर्हमित्यास्तां तावत् । यत्तु अत्र पित्रादीनां विदेशस्थानां मरणश्रवणे **मिताक्षराहारलताभ्यां** विशेषो लक्षितः स तु **रत्नाकरादि**भिरलिखितत्वादुपेक्षित इति **शुद्धिविवेके** उक्तं तत्तु अंधस्येवांधलग्नस्येति **न्यायायितम्** । यत्तु **पराशर**व्याख्यायां **नंदपंडितीयायामुक्तं** दशाहांतस्तु पित्रोरपि मरणश्रवणे शेषाहोभिरेव शुद्धिः

"असमीपे पितुः प्रेतं श्रुत्वा देशांतरे सुतः । तिलमिश्रोदकं दत्त्वा तच्छेषेण विशुद्ध्यति ॥"इति । **शातातपस्मरणात्** इति तन्न । तद्वचनस्य महानिबंधेषु स्वल्पनिबंधेषु च अदर्शनेन निर्मूलत्वात् । मात्रंशे वचनतो लाभात् । अत एव पित्रोरपीति प्रतिज्ञाया असंगतेः वैपरीत्यापत्तेः आशौचविषये मातृतः पितुः प्राबल्यस्य संनिपाते दृष्टत्वात् निर्मूलोपलक्षणत्वस्य दुर्वचत्वात् पितुः प्रेतमित्यस्यातीव सामंजस्याभावात् असमीपे देशांतरे इत्यनयोः पौनरुक्त्यात् तव पारिभाषिकदेशां-

तरस्यात्राविवक्षितत्वात् दत्वेत्यस्यौचित्याच्चेति दिक्। यदि तु इदमपि योज्यमिति दुराग्रहस्तर्हीत्थं योज्यताम्। **पितुरिति** राहोः शिर इतिवत् षष्ठी। **देशांतरे** पारिभाषिके असमीपे यत्रस्थेन द्वितीयादिदिने श्रवणं भवति तादृशदेशे च सुतः पितुस्तत् श्रुत्वा **तच्छेषेन** श्रवणदिनादारभ्य विहितदशाहाशौचशेषेण तदंगत्वेन स्नात्वा तिलोदकं दत्वा विशेषेण दशाहेन शुध्यतीत्यर्थः। अत्र पक्षे पितरौ चेदित्येकवाक्यतया तेन मातुरपि ग्रहणमिति न प्रागुक्तदोष इति बोध्यम्। एतेन शावेऽतीते इति सप्तमवृत्तस्यमथ पितृमरणे इति निर्दशाहपरं तदुत्तरं पाठात्तथा सर्वव्याख्यातृभिर्व्याख्यातत्वात्। अत एव सर्वत्वाशौचमित्येवैकादशवृत्ते उक्तम्। अन्यथा तत्रापि अपवादवाक्यांतरं पठितं स्यात्। तस्मात्पितरौ चेदिति स्मृतिर्निर्दशाहपरेति तदाशय इत्यपास्तम्। व्याख्यानादिग्रंथवतस्यापि अयुक्तत्वेन तथोक्तेरयुक्तत्वात् तस्यापि **मिताक्षरा**नुयायित्वेन तथा दुर्वचत्वात् बाधे दृढे इति **न्यायात्** मानुषाशयापेक्षयाऽऽर्षाशयस्य प्राबल्याच्च। तथा हि विशेषविहितेनापवादेन सामान्यविहितोत्सर्गो बाध्यत इति सकलतांत्रिक**सिद्धान्तो** निर्विवादः। प्रकृते च पितराविति निर्विवादं विशेषशास्त्र**पैठीनसीयं** सामान्यशास्त्रं तु **बृहद्वसिष्ठी**यवत् **शंखीयं मानवं याज्ञवल्कीयं** चापि निर्विवादमविशेषात्कर्तारश्च भिन्नाः। तथा सति तेनाद्यस्यैव बाधो न **शंखीयादे**रित्यत्र त्वदिच्छैव नियामिका वाच्या सा च न युक्तेति सर्वतंत्रसम्मतमिति तथैव **मुन्याशये विज्ञानेश्वरेण** प्रतिपादित इति तथैव युक्तम्। यदि तु **त्रिंशच्छलोक्यपि** योज्येत्याग्रहस्तर्हि बाध्यसामान्यचिंतयाऽथ पितृविषये इति मध्यपठितमुभयोऽप्यपवादभूतं प्रसिद्धं चेदन्यत्र तत्रैवोक्तिस्त्वशोकवनिका**न्याया**दत एव सामान्यश्रुतदेशकालपदस्वारस्यम्। त्वन्मते तु तस्य संकोचः स्पष्ट एव। अथेत्यस्याप्यत एव। स्वारस्यम्। तेन तत्समाप्तिसूचनात् त्वन्मते त्वनतिप्रयोजकत्वापत्तिस्तस्येति दिक्।

चेत् यदि। **पितरौ** मातापितरौ। **मृतौ स्यातां**। **हि** तर्हि। **दूरस्थोऽ**पि वक्ष्यमाणदेशांतरलक्षणलक्षितदेशस्थोऽपि। **अपिना** प्रागुक्तलक्षणलक्षितदेशस्थसमुच्चयः। **पुत्रकः** अनुकंपादौ कन्। **तदि**त्यस्यावृत्याऽन्वयः। तत्मरणं श्रुत्वा तद्दिनं मरणश्रवणदिनमारभ्य गृहीत्वोत्पाद्येर्थः। **दशाहमिति** द्वादशाहादेरप्युपलक्षणम्। इदानीं प्रचरदेवस्थपक्षांतराशयकं वा सर्वसाधारण्येन्यपूर्वतद्विध्याशयकं वा सूतकी भवेदित्यनेन सूचितम् प्रेतकार्यकरणं दर्शयन्नाह। **तथेति**। **महागुरुः** पितेत्यग्रे स्फुटीभविष्यति। आर्द्रवस्त्रधारिणा। **वस** आच्छादने। **अपिना**ऽब्दमध्यपरिग्रहः। **आदिना** पिंडदानादि। वर्षोत्तरं सपिंडानां स्नानोदकयोरेवोक्तेराह। **न पुनरिति**। न त्वित्यर्थः। **स्नानमात्रा**त्तु सोदकान्मात्रपदेनोक्तव्यवच्छेदः। तथा च तादृशमातापितृमरणविषये प्रोषित इत्यादेरपवादोऽयम्। एवं च दशाहमध्येऽपि द्वितीयादिदिवसे तज्ज्ञाने तद्दिनादारभ्यैव दशाहः। दशाहमिति तु लिंगमशिष्यमिति रीत्या बोध्यम्। एवमन्यत्रापि बोध्यम्। न चैवमेकादशाहादिविच्छेदापत्तिः। दशाहोत्तरमिति पक्षेऽपि तत्र तत् प्राप्तौ तदाहापत्तेस्तुल्यत्वात्। कर्त्रंतरसत्वे बाधकाभावात्सपिंडीकरस्य कालांतरसत्वात् तस्यैव कर्तृत्वे तु दोषाभावात् तत्रापि आद्यश्राद्धमशुद्धोऽपीत्युक्त्या दोषाभावाच्चेति दिक्। एतेन "प्रोषिते कालशेषः स्यादि"त्याद्यपादोक्तस्य साधारणत्वमभिप्रेत्य दशाहोत्तरं तच्छ्रवणे **पैठीनस्युक्तामिति षडशीत्यपरार्कस्मृत्यर्थसारनिर्णयसिंधुविवेचनकृ**दादिसकलग्रंथकाराद्युक्तमपास्तम्। **मिताक्षरा**विरोधात्। निर्युक्तिक-

त्वाच्च । **निर्णयसिंधूक्त**दोषासांगत्याच्च । अत एव देशकालाविशेषादित्युक्तं **त्रिंशच्छ्लोक्याम्** । एतेनापि शब्दात्कालांतरेत्यापि तदुक्तमपास्तम् ।

अपवादान्तरमाह । **पितृपत्न्यामपीति** । जनन्यामुक्तत्वादाह । **मातृव्येति** । **स्मृत्यंतरे दक्षीये** । नेदं पूर्व**पैठीनसि**वत्सर्वप्रागुक्तबाधकं दशाहमध्ये द्वितीयादिदिने तज्ज्ञाने प्रोषित इत्यनेनाधिकप्राप्त्या न्यूनेनाधिकानिवृत्या तद्बाधासंभवात् । तथा च तत्र कालदेश एव दशाहोत्तरमपि न प्रागुक्तरीत्या सर्वम् । अपि तु देशकालाविशेषात्त्रिरात्रमेव । अयमेव मातापितृतो विशेषः । उदकदानात्तु तुल्यमेव । तदेतदभिप्रेत्याऽऽह । **विशेष इति** । **अपेतायां** मृतायाम् । **मातृवर्ज्यं** जननीं वर्जयित्वा । **अपिना** दशाहोत्तरं तन्मध्येऽपि । एतेन 'व्यतीते त्विति' **मदनोक्त**पाठानुसारेण तदुत्तरं तन्मध्ये उक्तवचनाद्दशाह इति केनचिदुक्तं **स्मृत्यर्थसारोक्तं** चापास्तम् । तथा पाठस्यैवाभावात् । इदं च सर्वं वक्ष्यमाणदेशांतरलक्षणरहितदेशांतरस्थमृत्यादावुक्तं अधुना मरणविषये प्रसंगात्तत्राप्यनुक्तमाह । **यस्त्विति** । वक्ष्यमाणत आह । **नद्यादीति** । तत्रापुत्रस्योक्तत्वादाह । **तत्सपिंडामिति** । तत्र दशाहमध्ये ज्ञानस्यैवासंभवः । कदाचित् ज्ञानेऽपि वा तत्र कालशेष एव तद्बाधे मानाभावात् प्रागुक्तरीत्या तस्यासंभवाच्च आद्यपाठैकवाक्यतया वक्ष्यमाणस्य तद्विषयत्वाच्च अयमेव च पूर्वतो भेदः । अत एव न वर्षोत्तरविषयत्वमेव केचित्पाठानुसारेण एतेन त्र्यहादेरपि कथं बाध इत्यपास्तम् । क्लीबादिसाहचारेण सर्वथा तद्भावविषयत्वाच्च । एतेन प्रागुक्तदेशांतरविषयमेव वक्ष्यमाणवाक्यमित्यपास्तम् । तदेतदभिप्रेत्याह । **दशाहादूर्ध्वं मासत्रयादिति** । **अपिना** तदूर्ध्वे समुच्चयः । **वैखानसे** वानप्रस्थे । **मृते** इति पूर्वत्रयशेषः । **स्नानेन** सोदकदानेन । **गर्भस्रावे** चतुर्थपर्यंतं । **गोत्रिणः** सपिंडाः । **इतीत्यस्य** मरणादिति शेषः । **पराशरोऽपि** (१।३।१-२१)

"भृग्वग्निमरणे चैव देशान्तरमृते तथा । बाले प्रेते च सन्यस्ते सद्यःशौचं विधीयते ॥

"देशांतरमृतः कश्चित्सगोत्रः श्रूयते यदि । न त्रिरात्रमहोरात्रं सद्यः स्नात्वा शुचिर्भवेत् ॥" इति

अत्रोक्तविषये त्रिपक्षान्मासत्रये त्रिरात्रमित्यादिवचनविहितस्य वर्षांतस्त्र्यहाद्याशौचस्य देशांतरेऽपि वक्ष्यमाणलक्षणे मृते सति प्राप्तौ कथं सद्यःशौचमित्याशंकानिरासायात्र देशांतरं वक्ष्यमाणलक्षणम् न प्रागुक्तमिति सूचनाय निषेधमुखेनानुपादपूर्वकं देशांतरमृते इत्यस्य विवरणमुत्तरपद्यं । एतेन वि(भ?)क्तविषये शेषविहितेन सद्यःशौचेन विरोधात्त्रिरात्रादेस्तत्राप्रवृत्ते तथेति विवेचनोक्तमपास्तं । प्रागुक्तयुक्तेः । सगोत्रशब्दः सपिंडपरः । मुख्येषु तेषु सोदकेष्विव त्रिरात्रारप्राप्तिरेवेति तन्निषेधानुवादासंभवात् । यद्यपि **माधवेन** पूर्वं वर्षमध्येऽप्यसपिंडविषयमाग्रिमं तु वर्षादूर्ध्वं सपिंडविषयं

"बाले देशांतरस्थे च पृथक् पिंडे च संस्थिते । सवासा जलमाप्लुत्य सद्य एव विशुध्यति ॥" इति (५।७८) **मनो**राद्यं तथा तत्र देशांतरस्थे इति पृथक्पिंडविशेषणं स च सोदकः संनिधौ तु 'त्र्यहात्तूदकदायिन' इति प्रागेव **मनुनोक्तं** (५।६४) । **मेधातिथि**रप्येवं । एतेन प्रत्येकं च श्रवणादिदमुक्तमिति तदुक्तमपास्तम् । एवं च देशांतरमृतेऽपि सपिंडे त्रिरात्राद्यतिक्रांताशौचं प्रागुक्तव्यवस्थयाऽस्त्येव । अत एव **विष्णुरपि**

"अर्वाक् त्रिपक्षात्त्रिनिशं षण्मासाच्च दिवानिशम् । अहःसंवत्सरादर्वाग्देशांतरमृते सति ॥"

इत्युक्तं तथापि **विष्णोः** समलत्वे संगतार्थत्वे च प्रागुक्तविषयतयोपपत्तेः रसपिंडविषयपूर्वो-

त्तरसंदर्शयतित्वादाद्ये तस्यार्थः । अस्य तदपवादत्वेन यत्फलितं तदाह । **एवं चेति** । अस्य तदपवादत्वे चेत्यर्थः पारिशेष्यादिति पाठे स्वार्थेऽप्यत्र् **तथैव** स्वकर्मनिरत एव । **मृतेति** समाहारद्वन्द्वः । अथवेत्यनेनास्य पक्षांतरत्वं सूचितं । एतेषामिति पाठांतरम् । **दक्षः** (६।२।७)

" सद्यःशौचं तथैकाहस्त्र्यहश्चतुरहस्तथा । षड् दश द्वादशाहाश्च पक्षो मासस्तथैव च ॥
" मरणांतं तथा चान्यदशपक्षास्तु सूतके" इति ।
" यथार्थतो विजानाति वेदमंगैः समन्वितम् । सकलं सरहस्यं च क्रियावांश्चेन्न सूतकम् ॥
" एकाहात् ब्राह्मणः शुध्येद्योऽग्निवेदसमन्वितः । हीने हीनतरे चैव त्र्यहश्चतुरहस्तथेति ॥"

च " एकाहात्र्यहात्केवलवेदस्तु हीनो दशभिर्दिनैरिति"**स्मृत्यंतरं च** । आभ्यां विप्रस्यापि कल्पा उक्ताः।तथा शूद्रविषये **मनुपराशरकौर्माः** । "शूद्रो मासेन शुध्यतीति" **देवलः** । "शूद्रस्य त्रिंशता शुद्धिः" । त्रिंशता दिनैः । **गौतमजाबालपैठीनसयः** मासं शूद्रस्येति । **मनुः** (५।१३९) "वैश्यवच्छौचकल्पश्चेति" । पंचदशदिनानीत्यर्थः । **शातातपः** "मंत्रावश्यवर्जनाच्छूद्रस्य नाधिकारो न प्रतिषेधो मासमित्येके । तदा स्थितस्तद्वत्स्यादिति" गर्भाधानादि श्मशानांतेषु कर्मसु शूद्रस्य मंत्राणामवश्यं सर्वथा तत्कर्मांगभूतानां वर्जनात्प्रतिषेधात्तस्याशौचग्रहणे नाधिकारो न विधिर्न प्रतिषेध इत्यर्थः । अन्यायवर्तिनस्तस्यावश्यकर्त्तव्यकर्माभावादाशौचग्रहणे कृतेऽकृतेऽपि न कश्चिद्विशेष इत्यवज्ञायां तात्पर्यम् ।

मतांतरमाह । **मासमिति** । सिद्धांतमाह । **तदिति** । तं ब्राह्मणादिवर्णमाश्रितः शूद्रस्तद्वत्स्यात् । विप्राश्रितो दशभिः क्षत्राश्रितो द्वादशभिर्वैश्याश्रितः पंचदशभिरित्यर्थः । तदेतदभिप्रेत्योपसंहरति ।**एवमनेकोचेति** । उक्तप्रकारेण न्यूनाधिकाशौचपक्षा इत्यर्थः । सिद्धांतमाह । **तेषामिति** । न्यूनाधिकपक्षाणां शिष्टलोकव्यवहाराभावादित्यर्थः । तथा च ते नादरणीया इति भावः । कलौ क्षत्रियवैश्ययोरभावाच्चेत्यपि बोध्यम्। अतीवेत्यनेन किंचिदुपयोगे तु व्यवस्थापि दर्शितप्राया सुकरा चेति सूचितम् । तथा हि द्विविधानि तानि सामान्यप्रवृत्तानि विशेषतः प्रवृत्तानि च। तत्र द्वितीयेषु यत्र य उपाधिरुक्तस्तत एव निर्णयः । आद्येषु तु दशाहद्वादशाहाद्यपेक्षया न्यूनाशौचकल्पा युगांतरविषयः । "वृत्तस्वाध्यायसापेक्षमघशंकोचनं तथेति" "**स्मृत्यंतरात्** । दशाह एव विप्रस्य सपिंडमरणे सति कल्पांतराणि कुर्वाणः कलौ भवसपिंडविषमत्वोत्प्रेक्षाया निर्वाजत्वादग्निमस्य तदूर्ध्वविषयत्वोत्प्रेक्षाया वर्षांतर्विहितत्रिरात्रास्तदूर्ध्वमप्राप्तेरेव तन्निषेधानुवादासंगत्यापत्याऽयुक्तत्वाच्च न युक्तमिति बोध्यम्। **महानदी** ।समुद्रगता। **अंतरं** व्यवधानम् । **वाचः** लौकिकभाषाशब्दाः ।

ननु किमत्र विकल्पः समुच्चयो वा। अत्र केचित्। नाद्यः वाक्यभेदापत्तेः । किं तु अंत्यः । वा स्यादिति **कोशात्** । तथा च त्रितयसत्वे तत्वम्। तत्रापि व्यवस्था त्रितयसत्वे त्रिंशद्योजनांतरे द्वयसत्वे त्रिंशदुपरि एकसत्वे चत्वारिंशदुपरि त्रितयाभावे षष्टियोजनानंतरमिति तन्न । निर्मूलत्वात् । तथा च कथमिति केचिदुच्यते ।भाषाभेदसहितमहानदीपर्वतान्यतरव्यवधाने केवलतद्व्यवधाने च देशांतरम् । तदभावेऽपि आशौचवक्ष्यमाणतारतम्यक्रमेण विप्रस्य त्रिंशद्योजनोपरि देशांतरम् । क्षत्रियवैश्ययोश्चत्वारिंशद्योजनोपरि शूद्रस्य षष्टियोजनोपरि एतेन

"भाषाभेदो महानद्या व्यवधानमथाद्रिणा । त्रिंशद्योजनदूरं वा प्रत्येकं देशभेदकाः ॥
"देशनामनदीभेदान्निकटेऽपि भवेद्यदि । न तु देशांतरं प्रोक्तं स्वयमेव स्वयंभुवे"त्याद्यपास्तम्।

अनाकरस्थत्वेन निर्मूलत्वात्। केचित्तु "दशरात्रेण या वार्ता यत्र न श्रूयतेऽथवे"त्युक्तेः प्रत्यहं योजनद्वयं गच्छन्पुरुषो यत्र मृतवार्तामाशौचकालमध्ये प्रापयितुं न शक्नोति तद्देशांतरम्। तथा च विप्रस्य दशाहाशौचिनो विंशतियोजनैर्देशांतरं क्षत्रादीनां चतुर्विंशतित्रिंशत्षष्टियोजनैरित्याहुः। विशेषांतरमाह।

इदं चेति। "प्रोषिते कालशेषः स्यादि"त्यत आरभ्य यदुक्तमित्यर्थः। तन्नामाह। **अतीति**। अनन्यभावे विषयशब्दस्तत्रैवेत्यर्थः। तद्व्यवच्छेद्यमाह। **न पुनरिति**। न त्वित्यर्थः। तत्प्रयुक्ताविशेषेत्याद्यर्थः। उपनीतोपेक्ष्यनेन वयोवस्थाशौचवतस्य सर्ववर्णसाधारण्यमपि सूचितम्। उभयत्र मानमाह। **तथा चोक्तमिति**। दुरुहत्वात्कथमुक्तार्थलाभोऽत आह। **अयमर्थ इति**। जन्मादौ पाक्षिकभेदस्य सत्वादाह। **त्रिवर्षादिति**। एतेन जन्मप्रभृत्युपनयनादर्वाचीने वयसीति **मदनो**क्तमपास्तम्। **अतीति**। तत्र यच्च त्र्यहाद्याशौचमित्यर्थः। व्यर्थमाह। **पुनरिति**। अतिक्रांते इत्यस्यानुषंगमभिप्रेत्याहोपरते इति। शास्त्रोक्तमस्तीति शेषः। सांप्रतं तथाऽननुष्ठानाद्भवतीति नोक्तं व्याख्यात्रा। अत्र सर्वेषामित्यनुषंगेणाह। **ब्राह्मेति**। पूर्वान्वयि। अथ तुर्यपादार्थमाह। **तस्मिन्नेवेति**। एवव्यवच्छेद्यमाह। **न पुनरिति** ॥ २१ ॥

याज्ञवल्कीये २२ श्लोकः।

व्यवहितसंगतिमाह। **क्षत्रीति। द्वादशेति** पृथक् पदम्। एवमग्रेऽपि। तुर्यपादार्थमाह। **स्वमयेति। न्यायेत्यस्यार्थः। पाकेति** वैश्वदेवेत्यत्ति किल्बिषीति **हारीताच्चेति** गतिं **माधव** आह। "सीदत्कुटुंबादीनां प्रतिग्रहादियोग्यतामात्रसंपादका इत्यन्ये"। **गतिमाहरिति**। मरणांताशौचविषयस्तु **दक्षेणैव** दर्शितः (६।८–१०)

"अस्नात्वा चाप्यहुत्वा च अदत्वाऽन्नं तथा द्विजः। एवंविधस्य विप्रस्य सदा तत्सूतकं भवेत्॥
"व्याधितस्य कदर्यस्य ऋणग्रस्तस्य सर्वदा। क्रियाहीनस्य मूर्खस्य स्त्रीजितस्य विशेषतः॥
"व्यसनासक्तचित्तस्य पराधीनस्य नित्यशः। श्राद्धत्याग[1]विहीनस्य भस्मांतं सूतकं भवेत्॥"इति।

मि. पृ. १८० श्राद्धत्यागः। श्राद्धे त्यागः। श्राद्धस्यागस्तत्करणमिति यावत्। तथा चेत्थं पर्यवसितम्। उपनीतमरणे विप्रस्य दशाहाशौचम्। क्षत्रस्य द्वादशाहं वैश्यस्य पंचदशाहं शूद्रस्य षोडशवर्षपूर्णे सपिंडमरणे मासं।

"अनूढभावः[2] शूद्रस्तु षोडशाद्वत्सरात्परम्। मृत्युं समधिगच्छेच्चेन्मासात्तस्यापि बांधवाः॥
"शुद्धिं समधिगच्छंति नात्र कार्या विचारणेति।" **शंखा**त्सच्छूद्रस्य पक्षं प्रागुक्तत्वात्। विंशतिरात्रं तु वैश्वदेवरहितद्विजशुश्रूषादिरतशूद्रविषयम्। सर्ववर्णानां दशाहमेव वा। इदानींतनशिष्टशूद्रक्षत्रवैश्यपरिगृहीतश्चायमेव पक्ष इति। एतच्च सर्वं ब्राह्मणादिग्रहणात्सजातीयमेव।

अथ प्रसंगाद्विजातीयेष्वाह। **यदा पुनरिति**। तत्र हारीतमाह। **[illegible]**। विप्रास्वयोनिषु। **जन्महानौ** जन्मनि मरणे च। यात्रादिः विप्रादेर्मूर्द्धावसिक्तादियुतावदनंतरे षडह एकांतरे त्र्यहो द्व्यंतरे एकाह इत्यर्थः। मूर्द्धावसिक्तादेर्ब्राह्मणादिषु तु जाते मृतेव

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१ श्राद्धत्याग–इति मुद्रितदशौचपाठः। २ अ. १५।६–७ अनूढभार्य इति शङ्खीयपाठः।

जात्याशौचं तत्कथयन्नादिसंग्राह्यमेवाह । **विष्णुरप्याहेति** । **क्षत्रियेति** । "ब्राह्मणस्य क्षत्रियविट्शूद्रेषु षड्रात्रत्रिरात्रैकरात्रै"रित्यादि । **हीनेति** । अधिकवर्णसपिंडमरणादौ हीनवर्णानां अधिकवर्णसपिंडाशौचातिक्रमे शुद्धिरित्यर्थः । विप्रादयः शूद्रस्य विजातीयसपिंडाः । तत्र सपिंड-विप्रगृहे जननादौ दशाहेऽतीते तस्य शुद्धिः । एवं क्षत्रवैश्ययोर्द्वादशसु पंचदशसु च दिनेषु अतीतेषु शूद्रः शुद्धो भवेदिति भावः । **इत्युक्तमिति** । अनुलोमजविजातीयविषयेऽपीति । दशाहादिति भावः । तेषामाशौचे क्षत्रादिजननादिति निमित्ताशौचे ।

विरोधं परिहरति । **अनयोश्चेति** । यथाक्रममाह । **आपदिति** । अत्रापस्तंबेनान्योऽपि विशेष उक्तः "क्षत्रविट्शूद्रजातीनां तोयेन्मृतकसूतके । तेषां तु पैतृकं शौचं विभक्तानां तु मातृकमिति" । क्षत्रादीनां ये मृतकसूतके स्तस्तत्रायं विभागः । येऽनुलोमविवाहोत्पन्नाः क्षत्रादयो मुर्द्धावसिक्तादयस्तेषां विभक्तानां पितृगृहावस्थितानां स्वापत्यजननादौ पैतृकं पितृजातीय-माशौचं विभक्तानां मातृजातीयं । अत्र क्षत्रादिशब्देन न मुख्यग्रहणं तेषां जातिभेदासंभवात् । किंतु मूर्धावसिक्तादीनां त्रयाणां ग्रहमित्यर्थः । अन्यदप्याह । **दास्यादीनामिति** । मासपूर्ति-क्षणावधिरेवेत्यर्थः । दास्या इत्युभयान्वयि । सपिंडमरणे इति शेषः । "स्वामिमरणे तु स्वजाती-याशौचमृते स्वामिन्यात्मीयमिति" **विष्णोः** । दासाश्च गृहजातक्रीतलब्धदायोपागत-अकालान्नभृत-स्वाम्याहितमहाऋणमोक्षितयुद्धप्राप्तपणाजिततवाहमित्युपगततदास्युद्वाहेन प्राप्तदासत्वकं भक्तदास आत्मविक्रयिप्रव्रज्यावसिता इति पंचदश । प्रतिलोमदासादेस्त्वाशौचाभाव एव "आनुलोम्येम दासानामिति" **विष्णूक्तेः**

अन्यदप्याह । **प्रतीति** । सूतादीनामित्यर्थः । **माधवादयस्तु** तस्मिन्निमित्ते शूद्रस्य यदाशौचं तन्निमित्ते प्रतिलोमानां तदेव शौचाशौचे प्रकुर्वीरं शूद्रवद्वर्णसंकरा इति ब्राह्मादित्याहुः ॥ २२ ॥

याज्ञवल्कीये २३ श्लोकः ।

व्यवहितसंगतिमेवाह । **वयोवस्थेति** । दंतोत्पत्तेः प्रागिति शक्यार्थस्तत्फलितमाह । **याव-तेति** । **अतीतस्य** मृतस्य । 'आ चूडादि'त्यव्ययीभावः । चूडापदं च लाक्षणिकमित्या चूडाकरणा-दिति । तत ऊर्ध्वमिति भावः । निशाशब्दस्तत्पर इत्याह । **अहोरात्रेति** । स्त्रीत्वोपपत्तये आह । **अशुद्धिरिति** । पूर्वोपस्थितत्वादाह । **अशुद्धिरिति** ।

मि. पृ. १८१. अथ सर्वाविरोधं प्रतिपादयति । **अत्र चेत्यादिना** दशरात्रादिकमितीत्यंतेन । **वैष्णवे**ऽग्निसंस्कारनिषेधसाहचर्यात्सद्यःशौचस्यादाहविषयत्वेऽन्यस्य दाहविषयत्वं परिशेषादित्याह । **सति त्विति** । **मूलमेवाह** । **अहस्त्विति** । **शिशावित्यु**त्तरान्वयि । अत्र दंतजननं सप्तममासोप-लक्षणम् । 'दंतजन्मसप्तमे मासी'**त्युपनिषदुक्तेः** 'नात्रिवर्षस्येति' प्रागुक्त**मानवे** साहचर्यादुदक-क्रियोपलक्षितस्य दाहस्यापि नामकरणोत्तरं विकल्पितत्वान्नामकरणादूर्ध्वमिति बोध्यम् । तच्चाशौचांतदिनोत्तरदिनोपलक्षणम् । तदेतत् ध्वनयन्नाह । **नामेति** । **मनु**माह । **चूडेति** । **दंतजनना**त्सप्तममासात् । कर्मपर्यंतं तत्र तत्करणपर्यंतं । तत्र तु प्रथमवर्षे कृतचूडस्य तु

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१ पृ. १८१ पं. २१ ।

'दंतेति' दंतोत्पत्तौ सत्यामसत्यां चेत्यर्थः । यद्यपि प्राग्वच्चूडाग्रहणं नोपलक्षणमिति वक्ष्यते तथापि **वक्ष्यमाणांगिरसानु**रोधेनाह । **त्रिवर्षमिति** । तथा चाऽचूडादित्यस्य विषयद्वयं । अत्रासाधारणमानमाह । **तथा चेति** । अपिना अदंतजातसमुच्चयः । तत्र व्यावर्तकमाह । **अकृतेति** । अत एव तु शब्दः । तथा च कृतचूडे उभयत्रापि त्र्यहमिति भावः । इदं च दाहादाहसाधारणं स्मृतीषु, बव्हीषु तत्कृतविशेषानुक्ते चूडाकृतविशेषस्यैवोक्तेश्च **आंगिरस**मात्रे दाहोल्लेखेऽपि तद्विषयस्य वक्ष्यमाणत्वाच्च । यत्तु **विष्णुवासिष्ठयो**र्व्यवस्थापेक्षायामांगिरसा- "दाहे त्र्यह अदाहे त्वहरि"ति युक्तं **आंगिरस**स्य वक्ष्यमाणविषयकत्वं तु न युक्त जातदंतपद- वैयर्थ्यापत्तेः । न हि पूर्णत्रिवर्षोऽप्यजातदंतः संभाव्यते । तस्माद्**विज्ञानेश्वरो**क्तव्यवस्था न युक्ता । अत एवाऽशौचदशकादाविदमेवोक्तमिति **विवेचनकृत्तन्न** । मूलविरोधापत्तेः । तथा सति दंतजाता- दंतजातवत् कृतचूडेऽकृतचूडेऽपि अदाहे एकस्याप्राप्तत्वेन **वैष्णवे**ऽन्यव्यावर्तकतुघटिताकृतचूडे- त्वित्यास्यानर्थक्यापत्तेश्च । दंतजातेऽपीत्येवासिद्धेः । **अंगिरसस्य** दंतजातपदसत्वे एतद्विषय- कत्वस्य लाभेन तदानर्थक्यापत्तेश्च । दंतजातेऽपीत्येव सिद्धेः । आंगिरसस्य दंतजातपदसत्वे एव तद्विषयकत्वस्य लाभेन तदानर्थक्याभावाच्च अकृतचूडत्वस्य प्रथमवर्षादिसाधारणत्वात् जातदंता जातसाधारणत्वाच्च वाऽऽहिताग्न्यादिष्वित्युभयं साधु । तत्सत्वे तु वै निश्चयेन पूर्णतया जाता दंता यस्येत्यर्थेन निश्चितपरिपूर्णदंतः । विशिष्टलाभेन तस्य तदुत्तरमेव स्पष्टत्वेन तथा सुवचम् । सूचितमिदं **विष्णु**वचनेन । विरोधश्च दुष्परिहरः स्यादित्यग्रे वदता **विज्ञानेश्वरेणा**- पीति दिक् ।

त्रिरात्रमात्रेत्यस्य विषयमाह । **तत ऊर्ध्वमिति** । यदाकदाचित् क्रियमाणचूडाकर्मत **ऊर्ध्वं निवृत्तेति** यदाकदाचित्कृतचूडानामित्यर्थः । **अयमेव** उक्तद्विविध एव । **यत्त्विति** । प्रागुक्तं सर्वं व्याख्यातं च । प्रागुक्त**मन्व**रोधेनाह । **तत्संवत्सरेति** । तत् उभयं । उपलक्षणमिदं द्वितीयवर्षस्यापि ।

"ततः संवत्सरे पूर्णे चूडाकर्म विधीयते । द्वितीये वा तृतीये वा कर्तव्यं स्मृतिदर्शनात् ॥"

इति **यमात्** । **वासिष्ठे** ऊनद्विवर्षग्रहणेन **तस्य** निखननस्य मुख्यत्वाद्दाहाभावे प्राप्ते त्रिरात्र- विधिद्वारा पाक्षिकानुकल्पभूतमप्यस्तीति सूच्यते । अन्यथा तदानर्थक्यं स्पष्टमेव । काले इत्येव वदेत् । एवं "ऊनद्विवार्षिके बाले प्रेतत्वमनुगच्छति" इत्यादि**यमीये** एकाहविधौ तद्ग्रहणमपि तस्य निखननं मुख्यमन्यस्य दाहो मुख्य इति ज्ञापनार्थम् । एतेनाचूडादि यत्र चूडाग्रहणं कालोप- लक्षणमिति प्राच्योक्तमपास्तम् । तस्यानियतकालत्वेन कालविशेषस्योपलक्षयितुमशक्यत्वात् । नामकरणस्य तु नानियतकालत्वं सर्वेषामाशौचांतपरत्वात् कथंचिदुपलक्षकत्वे तु "विप्रे न्यूने"- **त्यांगिरसा** तृतीयवर्षपूर्तेरेवावधित्वमुक्तम् । एतेन तस्य कालोपलक्षणत्वात्तृतीयवर्षस्य च तत्काला- त्सप्तममासादूर्ध्वं वर्षद्वयाभ्यंतरेकाह इत्यपि **प्राच्यो**क्तमपास्तम् । चूडायाः प्रथमादिकालत्वेऽपि विप्रे न्यूने**त्यंगिरसा** तृतीयवर्षात्पूर्वमहोरात्रविधेस्तदेकवाक्यतया तृतीयवर्षमेवाऽऽचूडादित्यादिषु गृह्यत इति **रुद्रधरो**क्तं च । **यमीये** संवत्सरे पूर्णे इत्येव द्वितीयलाभतत्पदवैयर्थ्याभावार्थं तत्र पूर्णे इत्यनुषज्य व्याख्याय तृतीयपदानर्थक्याभावार्थं तस्य तृतीयचरमावयवपरत्वं । पूर्वस्य तु तदाद्यावयवपरत्वमिति व्याचक्षाणो **मिश्रः** । प्राच्यस्तु अकारप्रश्लेषाज्ञाननिबंधन इति दिक् ।

दाहेति ष्विच् सपिंडाभिप्रायः । प्रार्थयंतीतिवद्वा । यथाकुलमिति प्रागुक्तमूलादाह । **कुलेति** । **तेनैव अंगिरसैव** ।

उक्तव्यवस्था न युक्तेत्याह । **न चेति** । **हि** यतः । अभ्युपेत्याह । **तथेति** । चोऽप्यर्थे । उपसंहरति । **तस्मादिति** । एतेन व्यवस्थांतरमपि न युक्तमिति सूचितम् । अदंतजातानामित्यनेन सप्तममासात्पूर्वं न तस्यापि ग्रहणेन प्राग्वत्कृतन्यूनपरतया दुर्योजत्वादाह । **तन्मातेति** । **निरस्य** मैथुनं । धर्मेण त्यक्त्वा । **उपस्पृश्य** स्नात्वा । **वैजिकादिति** । बीजावापनिमित्तकादपत्यापत्यवत्संबंधादित्यर्थः । **अघं** आशौचं । **अनुरुंध्यात्** कुर्यात् । तथा च शुक्रनिरसने कृतस्नानस्य यादृशमशुचित्वं न तादृशमत्रापि तु त्र्यहमिति भावः ।

उक्तवचनबाहुल्यात् व्यामोहनिरासाय स्पष्टार्थं संकलय्याह । **ततश्चेति** । उक्तरीत्योक्तवचनानामेकवाक्यत्वाच्चेत्यर्थः । **अर्थः** सिद्धांतः । **इतरथा** अग्निसंस्काराभावे जातदंतस्य सप्तममासिकादेस्तु । **इतरस्य** अकृतचूडस्य । **अपिना** कृतचूडसमुच्चयः ॥ २३ ॥

याज्ञवल्कीये २४ श्लोकः ।

(पूर्वार्धः ।)

एतत्संगतिमाह । **इदानीमिति** । पुरुषेषु तत्कथनानंतरमित्यर्थः । वक्ष्यमाणापस्तंबादाह । **कृतेति** । तथा **मनो**राह । **वागिति** । **वी**त्यस्याऽर्थो **विशेषणेति** । साकांक्षत्वात्पित्रादेस्तदाधिक्याच्चाह । **सपिंडानामिति** । प्रेतास्विति शेषस्तत्र बोध्यः । एवमग्रेऽपि । साप्तपौरुषत्वनिरासायाऽऽह । **सापिंड्यं चेति** । कूटस्थमारभ्येति भावः । **त्रिपुरुषेति** कर्मधारयो न तु द्विगुस्तदर्थाविवक्षणात् । **अप्रत्तानामनूढानाम्** । प्रागुक्तत्वात्तथैवाह । **अनुत्पन्नेति** । उक्तविशेषद्वयफलद्वयं क्रमेणाह । **अकृतेति** । एवं च यदाकदाचित् कृतचूडायास्त्रिवर्षादूर्ध्वमपि ग्रहरेव एतत्प्रवृत्तेः

"अविशेषेण वर्णानामर्वाक्संस्कारकर्मणः । त्रिरात्रात्तु भवेच्छुद्धिः कन्यास्वह्ना विधीयते॥"

इत्यंगिरसा यत्र पुमपत्ये त्र्यहस्तत्र कन्यास्वहोरात्रविधानाच्च । एवं च कदाप्यकृतचूडायाः सद्यःशौचमिति भावः । **असंस्कृतानाम**विवाहितानां **मनू**क्तमेवाह । **निर्वृत्तेति** । ननु दशाहमपि प्रागुक्तमेव । तेन दशाहमित्यादिनाऽत आह । **न पुनरिति** । ननु विधाने कुतो युक्तत्वमत आह । **अत एवेति** । ततः प्राकृतस्य युक्तत्वादेवेत्यर्थः । **प्रदत्ता तु या** वाग्दत्ता तु वारिपूर्वकं नैव प्रतिपादिता दत्तेत्यर्थः । व्यवस्थामाह । **तत्रेति** । तयोर्मध्ये इत्यर्थः ।

मि. पृ. १८२

उभयसाधारणं पूर्वत्र सूचितम् । विशेषमाह । **इदं चेति** । पुरुषेषु स्त्रीषु चोक्तमित्यर्थः । क्षत्रियस्येत्यादि वैधर्मे दृष्टान्तः । नैवमन्यत्र दृष्टमिति शंकां परिहरन्प्रसंगादन्यत्रापि तत्वं प्रतिपादयन्नुपसंहरति । **अत इति** । उक्तहेतोरित्यर्थः । सर्वेत्यस्याग्रे सर्वत्रानुषंगः । यद्वचयथा च वक्ष्यमाणसंगत्यर्थमाह । **यथा वेति** । एवं मुनिसंमतेऽर्थे आचार्यसंमतिमप्याह । **अत एवेति** । उक्तहेतोस्तथा भवितुमर्हत्वादेवेत्यर्थः । **आदिना**

"विप्रे न्यूने त्रिभिर्वर्षैर्मृते शुद्धिस्तु नैशिकी । द्वयहेन क्षत्रिये शुद्धिस्त्रिभिर्वैश्ये मृते तथा ॥
"निवृत्तिः कूडके विप्रे त्रिरात्राच्छुद्धिरिष्यते । निवृत्ते क्षत्रिये षड्भिर्वैश्ये नवभिरुच्यते ॥
"शूद्रे त्रिवर्षन्यूने तु मृते शुद्धिस्तु पंचभिः । अत ऊर्ध्वं मृते शुद्रो द्वादशाहो विधीयते ॥

"षड्वर्षांतमतीतो यः शूद्रः स म्रियते यदि । मासिकं तु भवेच्छौचमित्यांगिरसभाषितम् ॥"

इत्यंगिर आदिपरिग्रहः । **विगीतत्वेति** । बहूनामनुग्रहो न्याय्य इति **न्यायेन** तेषामनेकमहास्मृतिविरोधतत्वामिति भावः । तेषामपि गतिं स्वयमाह । **वि....बुद्धयेति** । अनेन तत्कृताऽनादरोऽशक्तिमूल इति तदंशेऽरुचिः सूचिता ।

(उत्तरार्धः)

गुर्वादीनां प्रायोऽसपिंडानामुक्त्या तत्र कथमप्याशौचप्रयोजकधर्मराहित्येन तदभावादाह । **अतिदेशमिति** । सांनिध्यादहरित्यस्य चेन समुच्चये तद्वत्तद्विधौ फलितमतिदेशमित्यर्थः । अनेनाव्यवहितसंगतिः सूचिता । **उपाध्यायो** वेदैकदेशाध्यापकः । **अंगानां** व्याकरणादीनाम् । वक्ष्यमाणस्मृत्यनुरोधेनाह । **मातुलेति** । इतरस्मृत्यपेक्षया धर्मस्मृतेरंतरंगत्वेन प्राबल्यादाह । **एकेति** । समानेत्यर्थः । एवं पदार्थानुक्त्वा वाक्यार्थमाह । **एष्विति** ।

अथानुक्तविशेषान्प्रतिपादयितुमनुसंधातव्येत्यंतेनादौ तथा कृतव्याख्यानफलमाह । **यस्त्विति** । य उपनयनमात्रं कृत्वा वेदं प्रयच्छति स आचार्यः । यस्तु गर्भाधानाद्युपनयनांतक्रियाः कृत्वा तत्करोति स गुरुरिति प्रागेवोक्तम् । **संस्थिते मृते** । इदमप्यन्यस्मिन्नंत्येष्टिकर्तरि सति नान्यथेत्याह । **यदा त्विति** । **पितृमेधामिति** । **प्रेताहारैर्दशपिंडैः** सार्द्धं पितृमेधमंत्येष्टिं समाचरेत् कुर्यादित्यर्थः । **तत्रेत्यादि** वाक्यान्तरम् । समाचरान्निति पाठे तत्कुर्वन्स दशरात्रे शुध्यतीत्येकमेव वाक्यम् । तदा तत्रेति व्यर्थं मरणविषये इत्यर्थकं वा । ब्रह्मचारिणोऽप्ययं विधिर्ज्ञेयः । प्रेतं हरंति निर्यापयन्ति ते तथा । यथा तेषां दशाहस्तथा शिष्यस्यापीति तु **मेधातिथि**-

मि. पृ. १८३. स्तत्पुनरुक्तिग्रस्तं तेनैव **सब्रह्मेति** । इतरः सब्रह्मचारी कुर्यात् । एवमन्यत्रापि बोध्यम् । **समानोति** । तथा च समानग्रामीणे आशौचाभाव एवेति कश्चित् । तत्वं त्वनु(प)पदमेव वक्षते । **आदिना** पक्षिण्यादि यथा संभवं संबंधो वाचानिकः । यद्यपि **कोशे** उपसंपन्नशब्दोऽमृतपर्याय उक्तस्तथाऽप्याशौचस्य बहुत्वादन्यथा व्याचष्टे । मैत्रातिशीलं स्वाचारादिगुणः । एवं च पक्षद्वयेऽपि समानग्रामिणे संनिहिते त्रिरात्रादि । अनुपसन्ने समानग्रामिणे संनिहिते एकाहः । असमानग्रामिणे तु उपपसन्ने तु पक्षिणीति **स्मृत्यर्थसारे** । अनुपसन्ने समानग्रामिणे तु सद्यःशौचम् । उक्तदेशांतरलक्षणरीत्या एकाहपक्षिणीत्रिरात्रशौचेषु द्विचतुःषड्योजनरूपाणि देशांतराणि योज्यानीति **दीक्षितोक्तेः** । अस्योपयोगः सोदकादावपि बोध्य इत्यग्रे स्फुटीभविष्यति ।

यत्तु मातुलग्रहणं पूर्वान्वयि न तूत्तरान्वयि तथा साति बांधवत्वादेव सिद्ध्या तदानर्थक्यापत्तेस्तन्वेति ध्वनयन्नाह । **मातुलेत्यादि** । प्रत्यासत्तेरेव युक्तमिति भावः । स्रादेतस्यापि रात्रिमिति तत्र स्पष्टार्थः । एवमग्रेऽपि । यद्वा मातुले एव पक्षिणीशिष्यादौ रात्रिरहोरात्रम् । **ऋत्विक्** पाकयज्ञादिकृत् । वृतः सन्श्रोत्रियांशे एवाह । **तथा चेति** । तथा **बृहस्पतिरपीत्यर्थः** । ऋत्विगंशे आह । **तथेति** । **याज्यो** यजमानः । तथा च ऋत्विजि अग्निवृतकर्मणि बहुकालं श्रौतस्मार्तकर्तरि वा एव ग्राममृते त्रिरात्रं ग्रामांतरे पक्षिणी अन्यथैकरात्रम् । ग्रामांतरे एकग्रामे पक्षिणीति

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१ 'समारभेद्' इत्यपि पाठः ।

बोध्यम् । **वृद्ध इति मनुः प्रचेताश्चेत्यर्थः** । प्रश्ने उत्तरमाह । **त्रिरात्रेणैवेति** । एवेन पक्षांतरव्यवच्छेदः । **तद्वत्** असंस्कृतदौहित्रादिवत् । **गुराविति** । तथा प्रागुक्तैकाहो ग्रामांतरादिविषय इति भावः । अत्र गुरुः केवलाध्यापक इति केचित् । **असपिंडे** सोदके इत्यर्थः । देशांतरादाविति भावः । एकस्माद्गुरोर्बहुकालं वेदमधीयानः **सहाध्यायी** । **एकोदकानां** सोदकानां सप्तभ्य ऊर्ध्वं चतुर्दशपर्यंतानां । तत ऊर्ध्वमेकविंशतिपर्यंता **गोत्रजाः** । **मातृबंधौ** मातृबांधवेषु । **तथा** एकाहः । **वृद्ध इति विष्णुर्मनुश्चेत्यर्थः** । **भगिन्यामिति** भ्रातृभगिन्योर्मिथो बोध्यमेवं भागिन्योरपि न भ्रात्रोस्तयोः सपिंडत्वादिति भावः । **कुलपति**र्मंडलाधिपतिः । **तपस्वी**त्युभयविशेषणं इति कश्चित् । पृथक्निमित्तं तयोर्निर्गुणाघोरेवाऽत्र ग्रहणस्येष्टत्वादिति परे । **नक्षत्रेति** दिवाशौचाभिप्रायमिदं । रात्रौ **चेत्तुल्यन्याय**त्वात्सूर्यदर्शनाच्छुद्धिरिति बोध्यम् । नगरेऽपि स्वस्ववीथ्यां यावच्छवस्तिष्ठति तावत्तत्राशौचमुक्तन्यायेनैव अन्यसंग्रहायाहे**त्यादीनीति**। सर्वविरोधं परिहरति । **तेषु चेति** । **संनिधीति** । इदमुपलक्षणं गुणवद्गुणापेक्षया गृहभेदेन वर्णभेदेन प्रीत्युपकारातिशयतद्भावाभ्यामपीति बोध्यम् । इदमप्युत्सर्गत आचार्योपाध्यायशिष्यसहाध्यायिषु वृत्ताध्ययनत्वाभ्यां सकलैकंदेशाध्ययनेन च ऋत्विक्याज्ययोर्बहूल्पकालत्वेन श्रौतस्मार्तभेदेन चेत्यपि बोध्यम् ॥ २४ ॥

याज्ञवल्कीये २५ श्लोकः ।

अहोरात्राशौचमन्यत्राप्याहेत्याह । **किं चेति** । एवमग्रेऽपि । अनौरसपदेन परिभाषितभिन्नग्रहणं । तद्राह । **क्षेत्रजेति** । तेन बीजिनोऽपि क्षेत्रजादौ तत्सिद्धिः । अत एव **प्राजापत्ये** परपत्नीसुतेषु चेत्युक्तम् । **बार्हस्पत्ये**ऽप्येवं । **जातेष्विति** यथासंभवं बोध्यम् । **अहोरात्रमिति**। बीजिक्षेत्रिणोर्यथासंभवं । तेनाद्यामुष्यायणदत्तकक्रीतादौ पूर्वापि न दशरात्रं नापि त्रिरात्रादीति भावः । **आश्रितास्त्विति** । व्यभिचारार्थमिति भावः । पूर्वपरपत्योरिति बोध्यम् । दत्तविशेषणफलमाह । **प्रतीति** । विशेषमाह । **एतच्चेति** । दत्तकादिविषयकं चेत्यर्थः । आशौचमित्यंतेनान्वयः । तस्यैवाशौचमिति भावः । एवव्यावृत्तिमाह । **सपिंडेति** । **गोत्रिणः** सपिंडाः । **तस्य त्विति** । तत्प्रसवादाविति भावः । अविरोधमाह । **अनयोश्चेति** । "गोत्रिणः स्नानशुद्धा" इत्येतत्पितुस्त्रिरात्रान्न्यूनाशौचविषयमित्याह । **यदा त्विति** । यद्यपि परपूर्वाग्रहणात् द्वितीयपत्युरेव त्रिरात्रं प्राप्नोति तथापि प्राजापत्यादावनाश्रितग्रहणात्पूर्वस्यापि पितुरित्युपलक्षणं पत्युरपि । तथा च **हारीतः**

"परपूर्वासु भार्यासु पुत्रेषु कृतकेषु च । भर्तृपित्रोस्त्रिरात्रं स्यादेकाहं तु सपिंडके ॥" इति ।

यद्यप्युक्त**प्राजापत्य**वचनात्पतिपितृतत्सपिंडानां त्रिरात्रस्यानयोरत्यंततुल्यविषयत्वं प्रतीयते तथापि त्रिरात्रविषये सपिंडानां **मरीचिहारीताभ्या**मेकाहविधानात् सामान्यतः समानविषयत्वांगीकारेण पूर्वोक्तोऽवांतरविषयविभागः कल्प्यः । एवं च सद्यःशौचानुवृत्तौ "अन्यपूर्वासु भार्यासु पुत्रेषु कृतकेषु चेति" **शंखलिखित**वचनमपि भार्यापुत्रशब्दयोः संबंधिशब्दत्वादुपस्थितयोः पतिपित्रोः सपिंडानामित्यध्याहारेण सपिंडविषयमेव व्याख्येयम् । अत्यधमजातीयभार्याशास्त्रीयपुत्रविषयमिति कश्चित् । भिन्नपितृकसोदरे च जाते एकाहः । मृते त्र्यहः । तथा च **मरीचिः**

"मात्रैकेयौ द्विपितृकौ भ्रातरावन्यगोत्रजौ । एकाहं सूतके तत्र त्रिरात्रं मृतके तयोः ॥" इति । मि. पृ. १८४ विशेषांतरमाह । **किंचेति**। पूर्वोक्तार्थकत्वेऽहरित्यनुवृत्त्यैव सिद्धे पुनरहर्ग्रहणात्, तत्पदस्य च वैय्यर्थ्यापत्तिरत आह । **यस्मिन्निति** । **मात्रपदेन** रात्रिव्यवच्छेदः । तुल्यन्यायादाह । **रात्रौ चेदिति** । **विषये** देशे ॥ २५ ॥

यांज्ञवल्कीये २६ श्लोकः ।

अत्र च द्विजशूद्रब्राह्मणमुपलक्षणं पूर्वत्राशौचस्योक्तत्वात् । "विहितं हि सपिंडस्य प्रेतनिर्हरणादिकम् । दोषः स्यात्त्वसपिंडस्य तत्रानाथक्रियां विना ॥" इति **हारीताच्चा**सपिंडस्यासपिंडानुगमनमात्रनिषेधे तात्पर्यात्तदूर्ध्वं नयन्नाह । **सपिंडेति**। **क्वचिदित्यने**नानाथसंग्रहः सूचितः । उत्तरान्वयि वा । तदाह । **यदीति** । उक्तिसामर्थ्याद्नुद्धृतलाभेन फलितमाह । **तडागेति** । **प्रमाणेति** । कृच्छ्रेष्वपाठेन कृच्छ्रत्वाभावेनेति भावः ।

यद्यपि निषेधस्य सामान्यविषयत्वादनंतरोक्तस्नानादिविधेरपि तद्विषयत्वमेवांजस्येन प्रतीयते तथाऽपि हीनवर्णानुगमनेऽपि स्नानाग्निस्पर्शघृतप्राशनानामितरानिरपेक्षे शोधकत्वे वक्ष्यमाणैकरात्रादिविरोधास्तत्सापेक्षशोधकत्वे हीनवर्णानुगमननिमित्तैकरात्राद्यंते स्नानस्य प्राप्तत्वेनाविधेयत्वात्समोत्तरवर्णानुगमने त्वप्राप्तत्वेन तस्य विधेयत्वाद्विध्यनुवादवैरूप्यापत्तेरनुवादफलाभावात्तस्यार्थिकत्वांगीकारेण तस्य नियमविधिवत्कथंचित्परिहारेऽपि हीनतदन्यवर्णानुगमनयोरेकरात्रादिसापेक्षत्वं । तदभावाभ्या'मुपात्रवअंती'त्यस्य पर्वचतुष्टयविषयत्व इव सापेक्षनिरपेक्षत्वकृतविधिवैषम्यस्यापरिहार्यत्वाद्वैषम्येण च विकल्पासंभवादगत्या निषेधविषयैकदेशसमोत्तमानुगमनाविषयत्वमेव । तदाह । **इदं चेति** । समानोत्कृष्टोभयजातिविषयमित्यर्थः । **इतरेषां तु** सपिंडानान्तु । **विहितत्वादिति** । विहितमित्युक्त**हारीते**नेति भावः । ज्ञात्यनुगमनेऽग्निस्पर्शघृतप्राशनमात्रमधिकं विधीयते । "आशौचं तु यथोक्तमेवेति" **रुद्रो**क्तं तु न युक्तं । सुज्ञात्यनुगमनस्यातिशयविशेषाख्याशुद्धिजनकत्वे मानाभावेन तदपनायकविधेरयुक्तत्वात्क्षामपत्या**दिवन्नै**मित्तिकमात्रविधौ तु विशुद्धतीत्यस्यानन्वयात् । एवं चाग्निस्पर्शघृतप्राशावपि समोत्कृष्टानुगमने एवैकयोगानिर्देशान्मूलस्य स्वारस्येन सर्वविषयत्वात्सर्वानुगमने ताविति कस्यचित्कथनं तु प्रागुक्तवैषम्यापत्या युक्तं । मूलेन तु "शुद्धः कथंचनेति" पठित्वाऽनुगम्येत्यादेरपि शूद्रानुगमनविषयत्वमेवाश्रित्य वक्ष्यमाणविरोधाय बुद्धिपूर्वप्रासंगिकतद्विषयत्वेन व्यवस्थेति **प्राच्यो**क्तमप्ययुक्तम् । मूलाशुद्धे**र्मनु**विरोधाच्च । यत्तु **विवेचनकृत्** प्रागुक्तरीत्या स्नानादेः सर्वविषयत्वेन कालनिरपेक्षशोधकत्वेऽपि वक्ष्यमाणाविरोधाय हीनानुगमने प्रासंगिके समोत्तमानुगमने बुद्धिपूर्वे इति व्यवस्थाऽत एव **मानवे** इच्छयेत्युक्तमिति तन्न । एवमपि वैषम्यापत्तेर्वाक्यभेदापत्तेश्च । अबुद्धिपूर्वे तत्र दोषाभावापत्तेश्च । उक्तफलमाह । **निकृष्टेति** दिक् । इच्छयेति तु तत्र स्नेहादिरूपहेतुसूचकमुपलक्षणं वा । **तत्र** तेषां मध्ये । **ज्ञानदुर्बलः** निषेधज्ञानरहितः । अत एव **पराशरे**'अज्ञानादिति' मौर्ख्यादित्येवं **माधवेन** व्याख्यातं । **चीर्णे** कृते । **ततः** तदनंतरं । **प्रदेशाद्वा** तस्माद्धेतोर्वा तस्मिन्कृते सति एव निमित्तसंनिहितमहोरात्रमित्यर्थः । **पुनः पक्षिणीति** । अयं भावः । यद्यप्यत्रार्थेन स्मृतिरस्ति मानं तथाप्येकांतरस्य द्व्यंतरपेक्षयोत्कृष्टत्वात्तदनुगमनाशौचकालान्न्यूनस्यानंतरापेक्षया चापकृष्टत्वात्तदनुगमनाशौचकालादधिकस्य तदनुगमनाशौचपरिच्छेदकस्यापेक्षायां द्विरात्रादेराशौचकालत्वेनादर्शनात्पक्षिण्येव तदाशौचपरिच्छेदिका

क्लृप्ता युक्ताऽत एवात्र व्युत्क्रमेण शूद्रक्षत्रिययोरुक्तं । यद्यपि रात्रिशेषे द्व्यहादित्यादिना द्व्यहोऽप्युक्तस्तथाऽपि प्राप्ताशौचशेषत्वेनैव स विहितो न तु स्वातंत्र्येण पक्षिण्यादिवत् इति न तदादरोऽत्र। किं च 'मल्लग्रामादि'वद्भूयसा व्यवहारदर्शनात् 'बहूनामनुग्रहो न्याय्य' इति **न्यायाच्च** न तदादरः । एवं च (३।५०)

"शवं च वैश्यमज्ञानाद्ब्राह्मणो योऽनुगच्छति । कृत्वाशौचं द्विरात्रं स प्राणायामान्षडाचरेत्॥" इति। प्रेतीभूतमित्यतःप्राक्तनं **पराशरोक्त**मपि द्वे रात्री यस्याह इति व्युत्पत्त्या निशाद्वयं तत्तद्दिवसेऽपि पक्षिणीशब्दार्थ इति बोधकं सदुक्तार्थस्यैव बोधकं न त्वन्यथा व्युत्पत्त्यार्थांतरबोधकमपूर्वकल्पनापत्तेरत एव रात्रिमरणे "सा रात्रिरुत्तरं चाहोरात्रमिति" **हरदत्ते**नोक्तं । अत एव च निशाद्वयगतदिवसोऽप्येवमिति **क्षीरस्वामीति** दिगिति । एतेनोक्तमताद्दुक्त**पराशरतो** लब्धं द्विरात्रमन्यतच्च **माधव**संमतमत्र तत्वं न विद्म इति विवेचनोक्तमपास्तमुक्तयुक्तेस्तदेतदभिप्रेत्य तुल्य**न्यायेन** कल्पमाह । **तथेति** । अन्यदपि विशेषमाह । **तथेति** । **अज्ञानादिति** । ज्ञाने तु द्विगुणं बोध्यम् । **आम्नानात्**कथनात् । अत्र विस्तरोऽन्यत्र स्पष्टः ॥ २६ ॥

याज्ञवल्कीये २७ श्लोकः ।

व्यवहितसंगतिमाह । **सपिंडेति** । तथा हि विप्रादीनां विषये रोदनेऽस्थिसंचयनात्पूर्वं कृते सचैलस्नानम् । तदुत्तरमाचमनं । क्षत्रादीनां क्षात्रविषये विट्शूद्रयोश्च वैश्यविषये शूद्रस्य च शूद्रविषये रोदने ततः पूर्वं कृते सचैलस्नानं । तदूर्ध्वम् स्नानमात्रम् । तथा च **ब्राह्मे**

"मृतस्य यावदस्थीनि ब्राह्मणस्याहतानि तु । तावद्यो बांधवस्तत्र रौति तद्बांधवैः सह ॥
"तस्य स्नानाद्भवेच्छुद्धिस्ततस्त्वाचमनं स्मृतम् ।" ततः अस्थिसंचयनानंतरम् ।
"सचैलस्नानमन्येषामकृते त्वस्थिसंचये । कृते तु केवलं स्नानं क्षत्रविट्शूद्रजन्मनाम् ॥" इति ।

अन्येषां क्षत्रविट्शूद्रजन्मनामित्यन्वयः । अत्राऽशौचभागिसमर्पकर्मबांधवपदं समहीनवर्णपरम् न तु विप्रमात्रपरम् । मानाभावात् । विप्रस्य क्षत्रविड्विषयेऽपि तत्रैवास्थ्नां संचयने विप्रो रौति चेत्क्षत्रवैश्ययोः तदा स्नातः सचैलस्तु द्वितीयेऽहनि शुध्यति । "कृते तु संचये विप्रः स्नानेनैव शुचिर्भवेत् ।" इति क्षत्रस्य विड्विषयेऽप्येतदेव । तुल्यत्वात् । शूद्रविषये तु ततः पूर्वं विप्रस्य त्रिरात्रं क्षत्रवैश्ययोर्द्विरात्रं तदूर्ध्वं तु सर्वेषां द्विजातीनामेकरात्रम् । यथाह **पारस्करः**

"अस्थिसंचयनादर्वाग्यदि विप्रोऽश्रु पातयेत् । मृते शूद्रे गृहं गत्वा त्रिरात्रेण विशुध्यति ॥
"अस्थिसंचयनादूर्ध्वं मासं यावत् द्विजातयः । अहोरात्रेण शुध्यन्ति वाससः क्षालनेन च ॥
"सजातेर्दिवसेनैव द्व्यहाक्षत्रियवैश्ययोरिति" । सजातेरित्यर्द्धं अस्थिसंचयनात्प्राक्कालविषयत्वेन तत्संलग्नत्वाद्विशुध्यतीत्येतदर्थात्द्रष्टव्ये सजातेः शूद्रस्याहोरात्रविधानं च तद्गृहवासाद्यनुबंधवतो बोध्यमन्यस्य तु प्रागुक्तं सचैलस्नानमेव असपिंडार्थकान्यादिपदोक्त्या सापिंडानामनुगमने रोदननिर्हरणादौ दोषाभावः सूचितः । **तथा च विहितामिति हारीतः** प्रागुक्तः । अत्रापि नित्यकर्मलोपः सर्वत्र नास्तीति नेदमंत्यकर्मानधिकारप्रयोजकमिति दिक् ।

व्यवहितसंगतिमाह । **सपिंडेति** । अत्र कलौ कदाचित्संभवेऽप्याह । **महीति** । **ते च** येकेचन न तु क्षत्रा एवेत्याह । **क्षत्रियादीनामिति** । व्यावर्तकमाह । **अभीति** । तत्संबंध्याऽऽशौचमन्येन

कार्यमित्यर्थस्तु न विहितत्वादत आह। **तैरिति । विपन्नानां** मृतानाम् । अत्र संभवान्न प्रागवदित्याह । **संबंधीति** । तेनापीति सपिंडमरणे इति भावः ।

मि. पृ. १८५ इदमपि न सामान्यत इति ध्वनयन्नाह । **अत्र चेति । राज्ञ इति । माहात्मेति** कर्मधारयः । स अस्ति यस्मिन्निति मत्वर्थीयष्ठन् । यत्र स्थाने स्थितस्य पुंसो माहात्म्यं प्रजैश्वर्यं तत्रास्थितस्येत्यर्थः । तदेव विशदयति । **प्रजानामिति** । तदर्थं यत्तत्रासनमुपवेशनं तदेवात्र कारणं न जातिमित्यर्थः । इतः पूर्वं **मनुः** (५।९२)

"न राज्ञामघदोषोऽस्ति व्रतिनां सत्रिणां तथा । ऐंद्रस्थानमुपासीना ब्रह्मभूता हि ते सदा ॥" इति । तत्राप्युत्तरार्द्धेनार्थवादेन न राज्ञामिति सामान्यस्योक्तार्थपरत्वमेव बोधितम् । यस्य चेति सूचितं विशेषमाह । **राज्ञेति । दासीति** भिन्नं पदं । तदेवाह । **अयं चेति** । भृत्यादिविषयश्चेत्यर्थः । **कर्मेति** बहुव्रीहिः । **तन्निमित्तकैः** कार्यादियोगरूढशब्दैरित्यर्थः । अत एवेत्यस्य दर्शयति । तत्रान्वयः । **कारुकर्मणीति** । न तु सर्वथा तेषामाशौचाभाव इति भावः । अत एवाशौचसत्वादेव दासीदासादीनांस्वसपिंडमरणादिनिमित्तकाशौचस्य स्वामिकार्यादिविषये इदं तत्वं । तत्रै स्वदास्यां जातयोर्गर्भदासीगर्भदासयोः स्वस्वसपिंडादिमरणनिमित्तके आशौचे सचैलस्नानानंतरमनन्यसाध्ये स्वामिकर्मणि अस्पृश्यता नास्ति । अन्नेनोपात्तयोर्भक्तदासयोस्तु त्रिरात्रादूर्ध्वं तत्रैव कार्येऽस्पृश्यता नास्ति । क्रीतादिदासानाम्

"उत्तमस्त्वायुधीयोऽत्र मध्यमस्तु कृषीवलः । अधमो भारवाही" इत्युक्तस्य त्रिविधभृतकस्य तत्तुल्यस्य समदेशशिष्यस्य च स्वाम्यादिभूतविप्रादेर्यदाशौचं दशाहादि तदूर्ध्वं स्वस्य मासादि-/व्याप्याऽऽशौचसत्वेऽपि अनन्यसाध्ये स्वस्वस्वामिकार्येऽस्पृश्यता नास्ति । सर्वथा गत्यभावे एषामपि त्रिदिनादूर्ध्वं स्पृश्यतेत्याहुः । सूतिकायास्तु दास्या मासपर्यंतमेवास्पृश्यत्वं । तथा चोक्तं "सर्वमापद्विषयमिति" दिगिति ॥ २७ ॥

याज्ञवल्कीये २८।२९ श्लोकौ ।

अथ कर्मत आशौचापवादमाह । **तथेति** । इदमपि तं विना गत्यभावे आर्त्याधिक्ये च बोध्यम् । **क चेति** । तत्र तदपवादमन्यत्राप्याहेत्यर्थः । **वरणेति** । वरणभरणाभ्यां **संभृताः** स्वीकृता इत्यर्थः । "दीक्षणीया इष्टि" इति इत्यस्य सद्य इति अत्रत्यंतत्वं प्रागुक्तम् । **स्नातकेति** स्नातकव्रतेषु प्रायश्चित्तेषु च प्रवृत्ताश्चेत्यर्थः । विनिगमनाविरहादिति भावः । "स्नानं त्ववभृथे यावत्तावत्तस्य न विद्यते" इत्यतःपूर्वं । **नित्यमन्नप्रदो** वानप्रस्थः । ब्राह्ममिदं । **कृच्छ्रेत्यादि** विषयसप्तमी । सर्वेषां गृहीतेत्यनेनान्वयः । **निवृत्ते इति** । प्रवृत्तेत्यर्थः ।

"व्रतयज्ञविवाहेषु श्राद्धे होमार्चने जपे । प्रारब्धे सूतकं न स्यादनारब्धे तु सूतकम् ॥"

इति **लघुविष्णोः** । प्रारंभश्च **तेनैवोक्तः**

"प्रारंभो वरणं यज्ञे संकल्पो व्रतसत्रयोः । नांदीश्राद्धं विवाहादौ श्राद्धे पाकपरिक्रिया ॥" इति । अत्र सत्रपदे न मुख्यमेव सत्रं तत्र वरणाभावात् । वरणश्च मधुपर्कांतम्

"गृहीतमधुपर्कस्य यजमानात्तु ऋत्विजः । पश्चादशौचे पतिते न भवेदिति निश्चयः॥" इत्युक्तेः ।

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१ जा (?) ।

तेन मधुपर्कात्पूर्वमाशौचमस्त्येवेति केचित् । आदिपदेन नांदीश्राद्धवत्कर्ममात्रग्रहणं । उक्तब्राह्मोऽपि निमंत्रणाद्भिन्नः श्राद्धकर्मारंभः पाकरूप एव विवक्षितः । इदं च श्राद्धकर्तुः । भोक्तुस्तु निमंत्रणादेवाशौचाभाव इति बोध्यम् । **ब्राह्मणादिष्विति ।** तथा **भोजने** नान्वेति न स्यादिति पूर्वोक्तस्यान्यस्य सपिंडाशौचं न स्यादित्यर्थः ।

प्राग्वदत्रापीत्याह । **सत्रिणामिति** । तथैवाह । **उपेति** । दातृत्त्वस्य साधारण्यादाह । **यश्चेति** । **वैखानसो** वानप्रस्थः । प्राग्वदत्र नेत्याह । **सर्वत्रेति** । कर्ममात्रे संव्यवहारे चेत्यर्थः ।

मि. पृ. १८६ **अत्र** दानादौ । **आदिना** दानादिपरिग्रहः । **मृतेति** समाहारद्वंद्वः । वक्ष्यमाणानुरोधेन व्युत्क्रमेण व्याचष्टे । **यज्ञे इति** । मुख्ययज्ञे यज्ञियमित्यनेनैव सिद्धेराह । **वृषोत्सेति** । **पूर्वेति** तथा स्मृतौ तस्योत्तरान्वयः सूचितः । न्यूनतां मूलक्रमेण परिहरति । **विवाहेति** । **आदिना**ऽन्यस्यापि ग्रहः । **मात्रं** कार्त्स्न्ये । द्वितीये मानमाह । **न देवेति** । एवं मुख्यार्थमुक्त्वा तदुपयोगित्वेन लक्ष्यार्थद्वयं तस्य क्रमेणाह । **संग्राम इति** । **समुपोढे** उपास्थिते । वैरिवेष्टितदुर्गसंरक्षणार्थो यज्ञा **दुर्गयज्ञाः** । शांतिकोच्चाटनादयः । **यात्रायामर्थयात्रायाम्** । **तीर्थकर्मणि** तीर्थयात्रायाम् ! **तद्वत् शुद्धवत्** । आपद्यपीत्यस्य प्राग्वदर्थद्वयमाह । **तथा कष्टायामिति** । **चः** प्रतिग्रहोत्तरे योज्यः । निर्हरणाशौचादि तु प्रागुक्तम् । अथ संनिहितसर्वशेषं प्राग्वत् । विशेषमाह । **पंचेत्या**दिना । **इयं चेति** । सद्य इत्यर्थः । **संचयीति** नीलरूपवत्प्रयोगः । **आपादितेति** संपादितेत्यर्थः । अत एव तस्य तत्वादेव प्रतिपादितमित्यत्रान्वयः । उक्तमन्यत्राप्यतिदिशति । **समानोदकेति** ।

नन्वेवं सर्वप्रतिग्रहापत्तिरत आह । **अयं चेति** । प्रागुक्तः सर्व इत्यर्थः । सर्वत्र वस्तूनि स्मृत्यनुरोधेनाऽन्यथाऽपि संभवात्किमिति तथांगीकारा इति शंकते । **नन्विति** । **आदिना** "ग्रंथार्थतो विजानाति वेदमंगैः समन्वितम् । सकलं स रहस्यं च क्रियावांश्चेन्न सूतकम् ॥" इति **दक्षादि**परिग्रहः । **अध्ययनेति** त्रितययोगिनामित्यर्थः । विषये इत्यस्यैव व्याख्याऽग्नी । युक्तंचैतदित्याह । **एवं चेति** । **तत्र** तस्य व्यवस्थितौ चेत्यर्थः । **युक्तमिति** संभवति विशेषणत्वे उपलक्षणत्वस्यान्याय्यत्वादिति भावः । युक्तत्वमेव द्रढयति । **एवं चेति** । तथा चैकमूलं कल्पनालाघवमिति भावः । साधकांतरमप्याह । **तथा चेति** ।

मि. पृ. १८७ उपसंहरति । **अत इति** । स्वाध्यायांशे तत्रापि विशेषमाह । **चेति** । चस्त्वर्थे । क्वचित्तथापाठ एव । अथ सर्वशेषं विशेषमाह । **एवमिति** । उक्तवादित्यर्थः । **वाहनेति** समाहारद्वंद्वः । प्रतोदं चाबुक इति भाषाप्रसिद्धम् । **रश्मीन्** रथादेः । नन्वस्मान्न पृथगादौ स्नानं लभ्यते शब्दाभावादत आह । **अयमर्थ इति** । आर्थिकमाह । **अनुभूतेति** । क्रिया च स्नानमेवान्यस्याश्रुतत्वादित्याह । **कृतस्नान इति** । अत्र व्याख्यानेऽक्षरास्वारस्यादाह । **अथ वेति** ॥ २८ ॥ २९ ॥

याज्ञवल्कीये ३० श्लोकः ।

सर्वप्रकरणासंगतिमाह । **कुलेति** । बहुवचनांते द्वंद्व इत्याह । **अशुचय इति** । तत्कालमाह । **अथवेति** । वक्ष्यमाणरीत्या । इदमुपलक्षणमित्याह । **स्पृष्टादिभिरिति** । **संस्पृष्टादिभिरिति** संस्पृष्टइत्यस्यात्राप्यन्वयादाह । **स्नमिति** । **चः** समुच्चये इत्याह । **आचम्येति** ।

कपिंजलाधिकरणान्यायेनात्रिष्वेवेति दत्तादिपदसूचितमेव प्रतिपादयितुं शंकते । **नन्विति** ।

अनतिप्रसंगाय तुल्यतानियामकमाह । **स्नानेति** । **मात्रं** कात्स्न्र्ये । मात्रपदेन मंत्रजपादिनिरासः । ननु के ते इत्यत आह । **ते चेति** । **विरिक्ते** विरेकश्मशानगम्ये । एकं तत्राधिविशेषमाह । **अनृतावपीति** । दिवेति भिन्नं निमित्तम् । **वारुणीभि**रापोहिष्ठा इत्यादिभिः । **अजीर्णे इति** । अभ्युदिते रवावजीर्णे वांते सति अस्तमिते रवावपि तथा अजीर्णे वांते सतीत्यर्थः । **कटधूमे** शबधूमविशेषे । **श्वपाकं** चांडालं । **सस्नेह**मित्युत्तरान्वयि ।

मि. पृ. १८८ **अष्टशतम्** अष्टाधिकशतं । विरोधं परिहरति । **एतच्चेति** । एवमन्यत्रात्र सर्वत्र बोध्यम् । **दिवाकीर्ति** चंडालम् । न तु नापितम् । तत्स्पर्शे स्वल्पदोषात् तस्य स्पृश्यत्वाद्भोज्यान्नत्वाच्चेति तु **मेधातिथिः** । उक्तव्यवस्थामन्यत्राप्यतिदिशति । **एवमिति** । उक्तरीत्येत्यर्थः । **स्कंदित्वा** वमित्वा । क्रोशने शब्दे इति सूक्तं ऋचं वा । देवलकलक्षणमाह । **देवार्चनेति** । अन्यतमविशेषाभावे तु न तत्वमिति भावः । **शैव**स्तद्दीक्षायुतस्तद्विशेषः । **पाशुपतः** । एवं लोकायतिकनास्तिकयोरपि भेदो बोध्यः । **मनु**माह (५।१०४) **अस्वर्ग्येति** । तस्य शवविषयत्वेनासार्वत्रिकत्वादाह । **लिंगादिति** । चो योज्यः । **निषेधो**ऽपीत्यर्थः । यस्त्विति पाठः । **तत्रेति** । तस्मिन्विषये इत्यर्थः । **गोवालेति** । चमरीकेशरूपं यद्व्यजनं तस्मादर्वागित्यर्थः । इदमुभयान्वयि । अस्य स्वल्पत्वादविरोधाय चाह । **एतदिति** । **युगं** स्कंधवाह्यं । **काष्ठं** रथादेः । **द्वियुगादि** समाहारद्विगुः । तेषां युगादिकं क्रमादधः अपकृष्टं वर्जमित्यर्थः । सकृत्करणे विशेषस्यान्यत्रोक्तत्वादाह । **अनुदकेति** । **भासः** पक्षिविशेषः । पूर्वनिपातप्रकरणस्यानित्यत्वात्साधुता । **खरोष्ट्राश्चेति** बहुवचनांतानां द्वंद्वः सर्वग्राम्यारण्यसंग्रहाय खरोष्ट्रांत्यश्वसूकरानिति पाठस्तूचितः । मार्जारांशे विशेषमाह । **मार्जारेति** । बहुव्रीहिः । शास्त्रानुपलंभादाह । **समेति** । अन्यदा उभयभिन्नविषये सदेत्यप्येतत्परं श्वांशे तमाह । **श्वेति** । ऊर्ध्वमपि करांशे न स्नानमपि तु तदेवेत्याह । **कराविति** । शुनाद्युपहन्यते इति पाठः । **तत्र** तद्विषये । **तेनैव अंगिरसैव** । भासाद्यंशे आह । **तथेति** । श्ववदित्यर्थः । स्पर्शे तत्रापि शेषपदेनात्र करयोरपि संग्रहादेतदनुरोधेन पूर्वत्राप्येवमिति तथोक्तं । **प्रबाहुषु** हस्तप्रदेशविशेषेषु करेष्विति यावत् । **मलाः** श्लेष्मादयः । **उपहतः** युक्तः । बहुवचनं प्राग्वत्शुध्येदित्यस्याग्रेऽप्यनुषंगदर्शनशब्दावोष्ठौ तदपहतोऽपींद्रियोक्तं कुर्यादित्यर्थः ।

अत्रापि विशेषमाह । **एतच्चेति** । अपिनाऽधःपरिग्रहः । **आर्तवं** रजः । **आदिना** गंधादि । **तान्येव** मानुषास्थ्यादीन्येव । **रथ्येति** समाहारद्वंद्वः । रथ्यायाः कर्दमहोयोर्णमित्यर्थः । आद्येन तन्मलांतरपरिग्रहः । **अत्र** कर्दमतोयांशे । ततः जंघामृद्वानानंतरपादयोः षट् प्रत्येकं पूर्वार्द्धार्थमाह । **ग्रामेति** । इतीत्यस्यार्थ इति शेषः । विशेषं तत्राप्याह । **मारुतेति** । रथ्येति त्रयाणां द्वंद्वः । **अंत्य**श्चंडालः । **चितानि** गृहाणि । पूर्वोक्ताविरोधायाह । **इदं चेति** । **द्विजातेति** द्विजाति।
मि. पृ. १८९ ब्राह्मणादिसंबंधीत्यर्थः । **अमानुषे** अस्थनि । **भक्ष्येति** शाकादिरूपभक्ष्यपंचपंचनखान्वर्जयित्वाऽन्यपंचनखमृतशरीरमित्यर्थः । आचम्येत्यर्थः । इदं आनंत्यादुपसंहरति । **एवमिति** । उक्तरीत्येत्यर्थः ।

प्रकृतमुपसंहरति । **एवमिति** । विशेषांतरमाहो**दक्येति** । **तद्रूपम**चेतनं व्यवधानं व्यवधायकं यत्र तत्र स्पर्शे इत्यर्थः । एवमग्रेऽपि स्पृष्टस्पर्शः । तेषां **प्रकृत**चंडालादीनां **स्पृष्टं** तदस्यास्ति **प्राग्वदिति** । अनेन चेतनव्यवधानसंग्रहः । अत्रापि विशेषमाह**तच्चेति** । पतितादीनि सप्तनिमित्तानि । अशुचिस्पृष्टमिति तृतीयाविशेषणम् । तृतीयत्वादिस्पर्शकर्तॄणां **बोध्यम्** । **अपि**रग्रिमसमुच्चायकः । **चो**ऽबुद्धिपूर्वे द्वितीयसमुच्चायकः । तेषां मिथः स्पर्शे आह । **अशुचिनेति** । **स्वर्गं**

विरुद्धांगं। नारीमित्युभयान्वयि । चेनारण्यसमुच्चयः । शिरसि शिरसा सशिरा इति पाठांतरम् । स्मृत्यंतराद्यनुरोधादाह। कृच्छ्र इति ॥ ३० ॥

याज्ञवल्कीये ३१ श्लोकः ।

अधुना सकलशुद्धिकथनानंतरं । संगत्यर्थमाह कालेति । प्रागुक्तकालकृतशुद्धिविषये इत्यर्थः । दृष्टांतत्वेनेत्यस्यानुक्रामतीत्यत्रान्वयः । तेषामपि सत्वादाह । तथैतदिति । आशौच-प्रकरणे इत्यर्थः । द्रव्यशुद्धिप्रकरणं तु आचाराध्याये गतम् । चेनाऽग्रिमप्रायश्चित्तप्रकरणसंग्रहः । अत एव कर्म चेत्यादिवक्ष्यमाणसंगतिः । एवं श्रुतिसंग्रहोऽपि । अत एव मनोऽपीत्यादिसंगति-रिति बोध्यम्। प्रतिज्ञातमेव व्याख्यामुखेनाह ।तथेति । अनतिप्रसंगायाऽऽह । स्वेति । शुद्धिहेतु-रिति विपरिणामेनान्वयः । तथा च यथातथाऽध्याहारेण योजना । अन्यथाऽसंबन्द्धत्वं स्पष्टमेवेति भावः। तत्र बीजमाह।शास्त्रेति। एतेनापूर्तस्य कालतत्वं तदां(?)तेनापि दुर्वचमित्यपास्तम्। उक्तमेव विशदयति । अग्निरिति । क्रमेण अन्यस्यासंभवादाह । वाच इति । समेति श्रुत्या कथित-मित्यर्थः । ज्ञानं न सामान्यं नापि सर्वस्येत्याह। ज्ञानं चेति। बुद्धि रंतः(?)प्रकरणं । वक्ष्यमाणवर्ष्म-ग्रहणमुपलक्षणमित्याह।शरीरादेरिति। यथेति। मन्वादिनेति भावः॥३१॥

मि. पृ. १९०

याज्ञवल्कीये ३२।३३।३४ श्लोकाः ।

किंचेति । अन्यान्यपि शुद्धिसाधनानि तत्प्रसंगादाहेत्यर्थः । ताच्छील्ये णिनि लब्धमाह । सेविनामिति । मुख्यमित्यनेनान्यस्यापि संग्रहः । तस्या आदावशुद्धत्वे बीजमाह। निदाघेति। शोध्यस्येत्यस्यार्थः शोधेति । मतांतराशयेनाह । द्विजेति । मानसदोषे इत्यर्थः । साहचर्यादाह । वेदविदिति । अत एवाह । कृच्छ्रादीति । कारणे तदसंभवादाह। भूतेति । लक्षणाबीजमाह । तद्वीति । तत्र संघे कृच्छ्रादेरत्र तत्त्वासंभवादाह । तप इति । अन्वयः । सत्ताव्यतिरेकोऽभावः । इदं कुत्रेत्यत आह । यथेति । इति इत्यादि । औपनिषदमित्यस्यैव व्याख्याऽस्थूलमित्यादि । प्राग्वदाह । संशयेति। परमेत्युक्तेराह । तप इति । तथा च शुद्ध एवायमिति न प्राग्वच्छुद्धिरत्राभि-मतेति भावः ।

नन्वेतासामत्र कथनं प्रागुक्तरीत्याऽपि न सुयोजमित्यसंबद्धत्वापत्तिरत आह । यथैता इति[१] वस्तुतस्तदभावादर्थवादोऽयमित्याह । प्रशंसेति । भूतात्मादीति । प्रागुक्तं तु प्रासंगिकमिति भावः । मनुरपि (अ. ५ श्लो. १०४-१०५)

"ज्ञानं तपोऽग्निराहारो मृन्मनोवार्युपांजनम्। वायुः कर्मार्ककालौ च शुद्धेः कर्तॄणि देहिनाम् ॥
"सर्वेषामेव शौचानामर्थशौचं परं स्मृतम् । योऽर्थे शुचिर्हि स शुचिर्न मृद्वारि शुचिः२शुचिः॥
"क्षांत्या शुध्यंति विद्वांसो दानेनाकार्यकारिणः । प्रच्छन्नपापा जप्येन तपसा वेदवित्तमाः ॥
"मृत्तोयैः शुध्यते शोध्यं नदी वेगेन शुद्ध्यति । रजसा स्त्री मनोदुष्टा संन्यासेन द्विजोत्तमः ॥
"अद्भिर्गात्राणि शुध्यंति मनः सत्येन शुध्यति । विद्यातपोभ्यां भूतात्मा बुद्धिर्ज्ञानेन शुध्यतीति॥"

आहारः पवित्राणां पयोमूलफलानां । उपांजनं संमार्जनानुलेपने । अर्थो द्रव्यं । यथा मृदादिशुद्धावविलंबस्तथा प्रमादकृतेऽपि परद्रव्यापहरणादावविलंबेन प्रायश्चित्ते प्रवृत्तिरिति दिक् ॥ ३२ ॥ ३३ ॥ ३४ ॥

इत्याशौचप्रकरणं ॥ १ ॥

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१ 'तथैतमेति' मिताक्षरापाठः । २ ख-पाठौ ।

मि. पृ. १११

अथापद्धर्मप्रकरणम् ॥ २ ॥

आशौचप्रकरणानंतरमापद्धर्मकथने संगतिमाह । **आपद्यपि चेति । इत्यादिनेत्यादि**ना पूर्वपरिग्रहः। संगतिप्रदर्शनार्थं च व्युत्क्रमोक्तिः। उक्तेत्यत्रान्वयः। अग्रे आदिनाऽऽचमनतद्‌भावपरिग्रहः। **तत्प्रसंगादापत्प्रसंगात्** । 'आपद्गी' त्यस्य 'वृत्यंतरमि'त्यत्रान्वयः । मूलोक्तमाह । **प्रतिग्रह इति** । आदिद्वयग्राह्यं तु तत्रैव प्रपंचितं तत एव ज्ञेयम् । **वृत्यंतरमिति**। विप्रस्येति शेषः । पूर्वत्रानुक्तत्त्वादिति भावः ।

याज्ञवल्कीये ३५ श्लोकः ।

द्विजपदोक्त्या विप्रः क्षात्रेण जीवेत् । क्षत्रियः विशांकर्मणा जीवेच्चार्थेनापि**ना** वैश्यः शूद्रकर्मणा जीवेदित्यर्थो यद्यपि संभवति तथापि विकल्पासंगत्यापत्त्या 'फलोपलेति' वक्ष्यमाणविरोधापत्त्या च तथा नार्थ इत्यभिप्रेत्याह । **द्विजो विप्र इति** । उक्तहेतोः सामान्यरूपेण तस्याविशेषपरत्वमिति भावः । आपदमाह । **बह्विति** । विपुलेत्यर्थः । तस्येदमित्यादीत्याह । **क्षत्रसमिति** । स्पष्टार्थमाह । **आपदीति** । वा व्यवस्थितविकल्पे इत्याह । **तेनापीति** । तत्संबंधिकर्मणापीत्यर्थः । जात्याख्यायामिति सूत्रानुरोधेन कृतं बहुत्वमविवक्षितं संबंधमात्रं विवक्षितमित्याह । **वैश्यसंबंधीति** । 'कर्मणे'त्यस्योभयत्रान्वयः साकांक्षत्वादिति भावः । यद्वा **आपत्तिः** कालदेशराजादिप्रयुक्तास्ववृत्त्याजीवनासंभवे हेतुः । स च तत्रेति न व्याख्याने पौनरुक्तं । सर्वं वाक्यमिति **न्यायेन** लब्धैवार्थमाह । **न त्विति** । ऐच्छिकविकल्पाभावे मानं सूचयन्नुक्तमूलार्थे सम्मतिमाह । **तथा चेति** । **उभाभ्यां** स्ववृत्तिक्षत्रवृत्तिभ्याम् । पूर्वतो विप्रलाभः । तथा चास्यादि (मनुस्मृ. १०।८१)

"अजीवंस्तु यथोक्तेन ब्राह्मणः स्वेन कर्मणा। जीवेत्क्षत्रियधर्मेण स ह्यस्य प्रत्यनंतरः॥" इति ।

कथं स्यात्कथं वर्तेत इति यदि तव शंका भवेत्तदोत्तरमुच्यत इत्यर्थः । **कृषीति** । समाहारद्वंद्वस्तद्रूपांतामाश्रित्येत्याद्यर्थः ।

द्विजपदोक्तिं सफलयन्नपि सूचितार्थमाह। **तथेति** । **अपि**र्व्युत्क्रमे । तदाह । **आपद्यपीति** । **हीनेति** जातावेकवचनं । **ब्राह्मी** ब्राह्मणसंबंधिनी प्रतिग्रहादिरूपा । अत्र पक्षे वा चार्थे । तथा च **द्विजो** विप्रः क्षात्रेण तेन जीवेत्स क्षत्रियो वैश्यकर्मणा स वैश्यः शूद्रकर्मणेति शाब्दार्थेन तदभावे तात्पर्यं तदाह । **किंत्विति** । एवो ब्रह्मवृत्तिनिरासे । **स्वानंतरेति** । संभवाभिप्रायमिति न पूर्वविरोधः । **अजीवंतः** क्षत्रियादयः । **स्वेति** । स्वस्वधर्मेणेत्यर्थः । व्याख्यातमिदं प्राक् । उक्तार्थ एवास्य न त्वन्यथासाधारणः । वक्ष्यमाणविरोधादिति सूचनायाह । **ज्यायसी ब्राह्मीति** ।

"जीवेदेतेन राजन्यः सर्वेणाप्यनयं गतः । न त्वेव ज्यायसीं वृत्तिमभिमन्येत कर्हिचित्॥"

इत्यादि **मनुरपि** (१०।९५) प्रागुक्तो व्याख्यातश्च । **एतेन** प्रागुक्तेनानय आपत् । उक्तार्थद्वयादिध्वननायैवाऽऽह । **तथा चेति** । **वा**द्वयं चार्थे तयोरपि द्विवचनात्तत्र प्रत्येकमन्वय इत्याह । **शूद्रस्योत्कृष्टमिति** । अनतिप्रसंगायोभयत्र शेष उक्तः। **मध्यमे इति** । **हित्वा** त्यक्त्वा।

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१ आचारे श्लो. ११८ ।

तत्र हेतुरुक्तः । **सर्वेति** । तदर्थमाह । **मध्यमे इति** । एवं द्विजाशूद्रविषये प्रागुक्तमपि मूलकृताऽनुकल्पं प्रकरणशुद्धये च कंचिद्विशेषं कथयितुमनुवदति । **शूद्रस्त्विवति** । मूलमेवाह । **शूद्रस्येति** । व्याख्यातामिदं प्रागनुक्तं तावनुकल्पं प्रतिपाद्य विशेषमाह । **मनुना चेति** । तेनापीत्यर्थः । द्विजातिहितमित्यनेन सूचित इति भावः । **यैरिति** व्याख्यातमिदं । न्यूनतां परिहरति । छुद्धयेऽनुक्तं विशेषांतरमाह । **अनेनैवेति** । **वसिष्ठाद्युक्तेनैवेत्यर्थः** । प्रपंचितं चेदं सर्वं **टीकायाम्** ।

उत्तरार्द्धार्थमाह । **एवमिति** । उक्तरीत्येत्यर्थः । **तामित्यस्यार्थ आपदमिति** । योग्यतयाह । **प्रायश्चित्तेति** । **अथेत्यादिः** । उपाधिभेदेनात्मनो भेदेनाणिजाद्युपपत्तिः । पथीत्यस्य व्याख्या **स्वेति** । योग्यतयैवाह । **आत्मानमिति** । अत्र पक्षे तुर्यपादैकदेशस्यानतिप्रयोजनकतया न्यूनतानिरासस्य स्मृत्यंतरानुरोधेनेष्टत्वेन चाह । **यद्वेति** । तदेवाह । **तथा चेति** । बहुवचनेन सातत्यं सूचितमुभयत्र **प्रतिग्रहेति** । बहुव्रीहिः । **येन** इत्यस्यानुषङ्गः । **तपः** कृच्छ्रादिप्रायश्चित्तम् । तपसा चैवेत्यर्थः । उभाभ्यामेवेति यावत् । एवेनान्यतरव्यवच्छेदः ॥ ३५ ॥

याज्ञवल्कीये ३६।३७।३८।३९ श्लोकाः ।

प्रागुक्तरीत्याऽनुवृत्तद्विजपदार्थमाह । **ब्राह्मणस्येति** । **अपणनीयमिति** । अपवित्रोऽयमित्यर्थः । शस्त्रासवेत्यत्र द्वंद्वोत्तरपदको द्वंदः । एवमग्रेऽप्युभयत्र द्वंद्वस्थले समुदायान्वयः । मि. पृ. १९२ भ्रमनिरासायाऽऽह । **प्रत्येकमिति** । दध्याद्यनुरोधान्मन्वाद्यनुरोधाच्चेतिभावः । **तथैव चेति** समूहसर्वसमुच्चये । **आदिना** पनसादिविशेषमाह । **बदेति** । फलानां बदरेंगुदे इति पाठः । **फलानामिति** निर्धारणे षष्ठी । विक्रेयत्वप्रतिपादकोऽयम् । अत एव फलानि बदरेंगुदे फलान्यबदरेंगुदे इत्यपाठः । **अविकृतं** कुसुंबादिना न रक्तम् । तथा च **शंखलिखितौ** "शुष्ककाष्ठबदरेंगुदिकार्पासिकरज्जुकार्पासिकसूत्रकृतं न व्यवहरेदिति"। कार्पाससंबंधि । तत्रापि क्रीतानि । अन्येषामक्रीतपर्ण्यैर्न व्यवहरेन्मुंजवल्कजैर्मूलफलैरित्यापस्तंबेन विक्रेयत्वोक्तेरिति **नारायणः** । **वस्त्रमिति** । तथा च "विकृतेः प्रतिषेधात्प्रकृतेरप्रतिषेध" इति भावः । अन्ये त्वतसीसूत्रमेव गृण्हंत उभयोरपि निषेधमाहुः । न्यूनतां निराचष्टे । **क्षौमेति** । तंतुकृतपटादिकं कुसुंभादिना रक्तम् । **अपि चेदिति** पूर्वान्वयि । अपिना रक्तसमुच्चयः । **ओषधीस्त्रिवृत्प्रभृतीन्** । एतन्मनुप्रपंचः प्राक्प्रतिपादितः । उपलक्षणत्वेनाऽऽह । **मंडकादीति** । **मात्रं** कृत्स्ने । पाकप्रधानानि द्रव्याणि **रसास्तदाह** । **गुडेक्षुरसेति** । **क्षौद्रं** मधुकल्पः सिक्थकं मधु माक्षिकं मधूमयं द्रय इति सप्तेति भावः । विकाराणां तेषामपि अत्र यथासंख्यमन्वयः । द्वयं द्वयं विकारस्तत्र 'मंडं दधिभवं मस्तु' इति **कोशः** । अन्यव्याख्यातं । **गौतमप्रपंचः** प्रागुक्तः । **सिक्थमिति** । एवमेव **कोशः** । मामेति भाषाप्रसिद्धं । **शृंगी** वत्सनाभः । भूम्यंशे मानमाह । **नित्यमिति** । अत्र नित्यमिति । अत्र नित्यग्रहणस्य फलमुक्तं । तद्रक्तवस्त्रस्य पूर्वतो लाभादाह । **नीलीरसमिति** । रुमा स्याल्लवणाकरस्तत्र भवं रौमकम् । स्वार्थे कनित्याह । **सीसेति** । **शुष्केष्विति** । अत एव प्रागुक्त**शंखलिखितसंगतिः** । **वयांसि** पक्षिणः । अरण्यत्वं सर्वविशेषणं दंष्ट्रिणां भेदेनोक्त्या पशवस्तद्भिन्ना ग्राह्याः । 'गंधाश्च सर्वशः' इति **मनोराह** । **प्रभृतय इति** । अत्र प्रकरणे सर्वत्रोपलक्षणता **मनुगौतमाद्यनुरोधेनोक्तास्ते**

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१ ध. सू. १।२०।१६; १।२१।१ ।

च प्राक् प्रतिपादिताः। तेनाऽनापदि एतद्रूपस्ववृत्या जीवनेऽप्येतन्निषेध इति प्रागभिहितं सप्रपंचम्।

एवं पदार्थानुक्त्वा वाक्यार्थमाह। **सर्वानेतानिति**। शंकोक्तनिरासाय दत्तद्वितीयदोषमुपपादयन्नाह। **क्षत्रियादेस्त्विति**॥ ३६॥ ३७॥ ३८॥

याज्ञवल्कीये ३९ श्लोकः।

(उत्तरार्धः।)

वैश्यवृत्तौ स्वीक्रियमाणायां धर्मग्रहणं नित्यनैमित्तिकमात्रपरमित्याह। **यद्यावेति**। **पाकयज्ञेति** स्मार्तयागानां स्थालीपाकादीनां संज्ञा। तिलान् दत्वा धान्यं ग्राह्यं तेन धान्येन **समास्तत्समाः**। साम्यं च नात्र संख्यादिकृतमित्याह। **द्रोणेति**।

"पलं च कुण्डवप्रस्थ आढको द्रोण एव च। धान्यमानेषु बोद्धव्याः क्रमशोऽमी चतुर्गुणाः॥" **कृषीवलः** कृषिकरो विप्रः। अन्यद्व्याख्यातम्। न्यूनतां परिहरति। **धर्मेति**। भेषजादेरपीत्यर्थः। अशक्तताविति भेषजविशेषणम्। तेनावश्यकता सूचिता। यदि ते तादृशास्तेन विक्रेयाः। **तु** तदा। आवश्यकभेषजार्थे। अवश्यं यज्ञार्थमेव चेत्यर्थः। उक्तनियमफलितमाह। **यद्यन्येति**। **भोजनेति** समाहारद्वंद्वः। 'कृमिभूतस्वविष्ठायामिति' पाठांतरम्। अत्र **मनोर्गौतम**विरोधपरिहारः प्रागुक्त इति स एवात्रापि बोध्यः। रसविषयेऽपि प्रतिप्रसवमावश्यकं

मि. पृ. १९३

कार्यार्थे सूचयन्तत्र विशेषमाह। **सजातीयैस्त्विति**। प्रागुक्तैः सर्वैरित्यर्थः। **मनुमेवाह**। **रसा इति**। **निमातव्याः** परिवर्तनीयाः। अन्यत् व्याख्यातमिदं। **तु पाठे** पाठे तु। अत्र कृतान्नादिविषये विशेषोऽपि सप्रपंचं प्रागुक्तस्तत एव बोध्यः॥ ३९॥

याज्ञवल्कीये ४० श्लोकः।

यावत्पूर्वोक्तेति सकलप्रागुक्तनिषेधेत्यर्थः। नित्यपदार्थमाह। **द्विजातेः कर्महानीति**। तस्य यत्कर्म तद्धानीत्यर्थः। 'द्विजातकर्मेति' पाठांतरं। द्विजतो हीनत्वमित्याह। **शूद्रेति**। पादकानीति पाठः। 'पादनानीति' पाठे बहुव्रीहिर्बोध्यः। अन्यवैश्यवृत्त्याश्रयणेन वैश्यत्वप्राप्तेः सर्वत्रसत्वेन तथोक्तेरसांगत्यं स्पष्टमेव। तदेतद् ध्वनयन्ननुक्तविशेषमाह **एतदिति**। सद्य इत्यादि उक्तार्थे सर्वत्र मानमाह। **यथाहेति**। **निर्गच्छति**[1] प्राप्नोति। व्याख्यातमिदं प्राक्। अत्र विशेषोऽपि सप्रपंचमभिहितः॥ ४०॥

याज्ञवल्कीये ४१ श्लोकः।

किंचेति। मुख्यवृत्त्या जीवनासंभवे विप्रस्य वृत्यंतरमप्याहेत्यर्थः। अवसादो विशीर्णता। **ननु** प्रागुक्तवृत्त्याऽनिर्वाहस्तदानीमत आह। **क्षत्रेत्यादि**। सर्वं वाक्यमिति **न्यायेनाह**। **नैवेति**। लिङ्गार्थोऽविवक्षित इत्याह। **लिप्यत इति**। ह्यर्थमाह। **यत इति**। नात्र तेजः-

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१ निगच्छतीति मिताक्षरपाठः।

पुण्यादिकृतं सादृश्यमित्याह । **तस्यामिति** । तदेव विशदयति । **यथेति** । **नेति** तत्रेत्यादिः। **ननु** पूर्वं तस्य तत्र वृत्त्यंतरस्य वाचनिकतयोक्तत्वेन तदनिच्छाकिंचित्करोति व्यर्थमिदमतस्तात्पर्यार्थमाहैवं **चेति । एवं वदता मूलकृता** चेत्यर्थः। परधर्मात्स्वनुष्ठितात्परधर्मेण जीवन्हीति मध्ये पाठान्तरम् । अस्य सैषाऽपि

"वैश्यवृत्तिमनातिष्ठन्ब्राह्मणः स्वपथि स्थितः । अवृत्तिकर्शितः सीदन्निमं धर्मं समाचरेत् ॥

"सर्वतः प्रतिगृह्णीयाद् ब्राह्मणस्त्वनयं गतः ।

"नाध्यापनाद्याजनाद्वा गर्हिताद्वा प्रतिग्रहात् । दोषो भवति विप्राणां ज्वलनांबुसमा हि ते ॥" इति ।

"जीवितात्ययमापन्नो योऽन्नमत्ति यतस्ततः । आकाशमिव पंकेन न स पापेन लिप्यते ॥" इति च।

तथाऽर्थवादोऽपि

"क्षुधार्तश्चात्तुमभ्यागाद्विश्वामित्रः श्वजाघनी । चंडालहस्तादादाय धर्माधर्मविचक्षणः ॥" इति ।

श्वगजाघनी श्वश्रोणिः ॥ ४१ ॥

याज्ञवल्कीये ४२ श्लोकः ।

किंचेति । तस्यापत्तावन्यदप्याहेत्यर्थः । नन्वेवं कार्यमित्येव सिद्धे तुर्यपादो व्यर्थोऽत आह । **आपत्तौ जीवेति । अनेन** पद्येन । एवं च तेन सैव कार्ये नान्येत्यैच्छिकविकल्पो नेति भावः। **नन्वेवमपि** कृषिकुसीदयोर्वैश्यवृत्तित्वेन पूर्वत एव प्राप्त्याऽत्र तयोरुपादानं व्यर्थमत आह । **यथापदीति । स्वयमिति** । अनापदि परकारिता तु विप्रस्य स्ववृत्तिरेवेति प्रागुक्तमेव । **शिल्पादीनीति** । कुसीदभिन्नानीत्यर्थः । तस्यापि दृष्टांतत्वात् । तथा च तद्दृष्टांतेनान्यविधिरिति दार्ढ्याय तयोरुक्तिरिति न वैयर्थ्यमिति भावः । पदार्थानाह । **शिल्पमित्यादि** । 'रूपेति' पाठांतरं सूपेत्यत्र । प्राग्वदाह । **तस्त्वयमिति** । भृतितो भेदमाह । **परेति** । अनेन तदन्यसर्वसंग्रहः । प्रचुरतरतृणवृक्षश्चासौ जलप्रायश्चेति कर्मधारयः । उक्तहेतोरेवाह । **स्नातेति । अपिना** गृहस्थसंग्रहः । अत्र केचन शक्यार्थाः केचन लक्ष्यार्था योग्यतया युक्ता । मि. पृ. १९४. अथ वाक्यार्थमाह । **एतानीति । विपणिर्वाणिज्यं** ॥ ४२ ॥

याज्ञवल्कीये ४३ श्लोकः ।

अपिना प्रागुक्तसर्वसंग्रहः । **इत्यत इति** । इत्यतः । कचिच्चौर्याभ्यनुज्ञामाहेत्यर्थः । बुभुक्षित इत्यत्र मतिबुद्धीति क्त इत्याहा**नश्नन्निति** । 'अन्नाद्ये'त्यत्र नञ्भेदमात्रे तद्भिन्नास्वकर्मनिरतात्क्षत्रियादेर्दंडप्रायश्चित्तबाहुल्यं हीनकर्मणस्तत्क्रमेण ग्रहणेऽपि तथेत्यतः सर्वथा दोषाभावाय व्युत्क्रमेणाऽऽह । **शूद्रादित्यादि** । **मन्वनुरोधेनाह** । **हीनेति** । सर्वविशेषणमिदं । तत्वं त्वश्रोत्रियत्वादि । तथैवाहै**काहेति** । **तथैवेति** । व्याख्यातमिदं स्तेयप्रकरणे । अन्योऽपि विशेषस्तत्रैवोक्तः ।

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१ मनुस्मृ. अ. १०।१०१।१०४.

उत्तरार्धार्थमाह । **तथेति** । तद्वदित्यर्थः । **चोऽत्र** योज्यः । यथावृत्तं सत्यम् । **अभीत्य-**स्यार्थमाह । **आपदीति** । नाष्टिकेनेति पाठः । अनेनाभियोगाभावेऽनाख्यानं सूचितं । तद् ध्वनयन्नाह । **यथाहेति** । यदि स पृच्छति तस्मै पृच्छते तदाख्यातव्यं चेत्यर्थः ॥ ४३ ॥

याज्ञवल्कीये ४४ श्लोकः ।

इदं वक्ष्यमाणम् । राजधर्माणां प्रागुक्तत्वादाह**परमिति** । अत्र संगतिमाह । **आपदिति** । तदो यदाकांक्षत्वादाह । **य इति** । अशनायेत्यप्रत्ययांतं स्त्रियां । तया परीतो भोजनेच्छया व्याप्तः सन् दुःखी भवतीत्यर्थः । ज्ञानं न यथाकथंचिदित्याह । **परीक्ष्येति** । विधिफलमाह । **अन्य-थेति** । **तस्य** राज्ञः । **विषये** देशे । **दुर्भिक्षेति** शाकपार्थिवादिः । दुर्भिक्षसहितोपाधिरित्यर्थः ॥ ४४ ॥

॥ इत्यापद्धर्मप्रकरणम् ॥ २ ॥

अथ वानप्रस्थधर्मप्रकरणम् ॥ ३ ॥

सशेष अध्यायद्वयसंगतिमाह । **चतुर्णामिति** । **प्रतिपादयितुमिति** । प्रतिपादयिषुरिति पाठान्तरम् ॥

याज्ञवल्कीये ४५ श्लोकः ।

प्रकर्षो न बाहुल्यमित्याह । **नियेति** । गतिनिवृत्तिमात्रं न विवक्षितमित्याह । **चरतीति** । गच्छतीत्यर्थः । वनप्रस्थस्यासंज्ञात्वेन स्वार्थाणाऽनिर्वाहादाह । **संज्ञायामिति** । पृषोदरादित्वादिति भावः । **ननु** वनगमनात्पूर्वं तत्त्वाभावेन कथं तेन शब्देनानुवादोऽत आह । **भाविनोऽपीति** । **वृत्तिं** वर्तनमाचारं शक्तिं संज्ञां वा । एवमुक्तमिति शेषः । फलितमाह । **वनमिति** । इत्येवमिति । ननु त्वया भोग्येत्येवमित्यर्थः । व्यवस्थितविकल्पमाह । **यदीति** । **मनुरपि** (६।४)

"संत्यज्य ग्राम्यमाहारं सर्वं चैव परिच्छदम् । पुत्रेषु भार्यां निक्षिप्य वनं गच्छेत्सहैव वेति॥"

एतेन "तरुण्या निक्षेपो वृद्धायाः सह गमनमिति" व्याख्यानमपास्तम् । विशेषणांतराणि नित्यानि । भेदमाह । **तथेति** । किंचेत्यर्थः । विरोधत्वादाह**ध्वेति** । अनेन पत्नीसत्त्वेऽपि न तदुपभोग इति सूचितम् । ब्राह्मणवसिष्ठ**न्यायेन** पृथगुक्तिरिति सूचयन्नाह । **तथेति** । तद्वदित्यर्थः । तात्पर्यार्थमथाह । **श्रुतेति** । तथा तत्पक्षाणाश्रयणे स्मृत्यंतराविरोधाय विशेषमाह ।

मि. पृ. १९५ **एतच्चेति** । तथा च **मनुः** (६।८७–८८)

"ब्रह्मचारी गृहस्थश्च वानप्रस्थो यतिस्तथा । एते गृहस्थप्रभवाश्चत्वारः पृथगाश्रमाः ॥

"सर्वेऽपि क्रमशस्त्वेते यथाशास्त्रं निषेविताः । यथोक्तकारिणं विप्रं नयंति परमां गतिम्॥"इति। तदेवाह । **अवीति** । **यं** आश्रमं तु तं तमेव इति । अनेन **मनुरिति** । **शंखो**ऽप्येवम् । **वली** त्वक्-शैथिल्यम् । **पलितं** केशपांडुर्यम् । समाहारद्वंद्वः । **एवो** व्युत्क्रमे । तदैवेत्यर्थः । अत्रापत्यस्या-

पत्यमिति सामान्योक्तावपि सत्यपि दौहित्र्ये सत्यामपि पौत्र्यां नायं विधिः शिष्टसंमतस्तदेतदभिप्रेत्यैव जातपौत्रस्येत्युक्तम् । एतेनेदमुभयं वयोविशेषोपलक्षणं "जातपुत्रः कृष्णकेश" इत्यादिवदित्यपास्तम् । तद्वदुपलक्षणत्वे मानाभावात् । विकल्पासांगत्यापत्तेः । यस्य कथमप्यन्यतरन्न तत्संग्रहाय पक्षांतरोक्तेश्चेति दिक् । विशेषांतरमुक्त्वाविशेषांतरमाह । **अयं चेति** । पाक्षिक इत्यर्थः । **विधेति** । तस्यैवेत्यर्थः । तथा च तदभिप्रायकमिदमेवेति भावः । एतेन तथोक्त्या तस्यैवायं विधिर्न विधुरस्येत्यपास्तम् । तदाह । **मृतेति** । वनवासस्य स्मरणादिति पाठः । सर्वथा समासासंभवात् विरोधं परिहरति । **अत इति** । अनुक्रमूलमाह । **दाहेति** । **कषायो** रागादि । तथा च यस्य नेंद्रियचापल्यं स वानप्रस्थः । अन्यस्तु दारपरिग्रहमेव पुनः कुर्यादिति भावः ।

विशेषांतरमाह । **साग्निरिति** । एवं विवेत्यत्रान्वयः । **कथंचित्क्रम**व्यवहितान्वयि । अदृष्टार्थत्वनिरासायाह । **अग्नीति** । **वैतानिकं** त्रेताग्निविषयकं कर्म श्रौतं । **जुहुयात्** कुर्यात् । अग्निहोत्रं होमसाधनं यवान्नादि न तु कर्मनामधेयम् । अत एव यथाश्रुतजुहोत्यर्थ उपपन्नः । तत्वे तु प्रागुक्त एव जुहोत्यर्थः । उक्तमेव विशदयति । **दर्शमिति** । उभयं पर्वविशेषणं । **पर्व** तत्साध्यं कर्म **अस्कंदयन्स्कन्दनं** विध्यतिक्रमः । यथा विहितस्यानुष्ठानस्यासंपादनम् । इदं योगत इति च पादपूरणार्थमिति मेधातिथिः । **योगतः** युक्त्या **अस्कन्दयन्** अविनाशयन् इदमुभयमपि कुर्यादित्यर्थः । शक्तित इति पाठांतरम् । किं च (मनुस्मृ. ६।१०)

"दर्शेष्ट्याग्रयणं चैव चातुर्मास्यानि चाहरेत् । तुरायणं च क्रमशो दक्षस्यायनमेव चेष्टि ॥"

दर्शेष्टि चाग्रयणं चेति समाहारद्वंद्वः । चातुर्मास्यतुरायणद्राक्षायणाः श्रौतकर्मविशेषाः । ते च क्रमेणानुष्ठेयाः । **शंखोऽपि**

"पुत्रे दारान्विनिक्षिप्य तया वाऽनुगतो वने । अग्नीनुपाचरेन्नित्यं वन्यमाहारमाहरेत् ॥" इति ।

श्रौतवाक्यमाह । **पत्न्या सहेति** । यत्तु **मेधातिथि**प्रभृतयः (पृ. ४६३) आहिताग्नेः सहाग्निभिर्वनप्रस्थानं सभार्यस्य तत्र च यथाविधि व्रीह्यादिना श्रौतकर्मानुष्ठानं व्रीह्यादीनामपि मुन्यन्नता कथंचिदुपपाद्या । व्रीहियवावपि पवित्रे । भार्यानिक्षेपश्चानाहिताग्नेः कथंचित्स्मार्तेऽग्नौ गतिः । उभयोः स्मार्तत्वात् । यस्य वा द्वे भार्ये जाते एकया चाग्नयो नीतास्तस्य द्वितीयापरं निक्षेपवचनमिति तन्न । शब्दमर्यादया तथाऽप्रतीतेः । वक्ष्यमाणदोषगणाच्चात आह । **किंत्वत्रेति** । अस्या उक्तेरावश्यकत्वायाह । **यथाहीति** । तस्यां तस्यां । तद्व्रातन्निरपेक्षता तद्वदित्यर्थः । तत्र विधिवाक्यमाह । **यस्येति** । **अनालम्भका** स्पर्शायोग्या । ननु दृष्टांतवैषम्यं 'त्र्यत्येऽहनी'त्युक्त्वा आरंभसमाप्तेरावश्यकत्वं । **तत्रेति** । **तत्र** तथाकल्पनं युक्तम् । नैवं प्रकृते आरंभाभावादत आह । **यद्वेति** । यथा प्रोषितो यजमानः संविधानादिना दूरस्थोऽप्यधिक्रियते संविधाने एव च कर्ता भवति तद्वत्पत्न्यापि वनं प्रतिष्ठमानमनुज्ञास्यतीति सहाधिकारस्तद्वदत्रापीति न तद्बोधकश्रुतिविरोध इत्यर्थः । एतेन वैतानिकशब्दः स्तुत्या स्मार्तपरः । तत्र च न व्रीह्यादिनियमः "यदन्नः स्वयं तदन्नास्तस्य देवता" इत्युक्तेरेवं च व्रीह्यादिशास्त्राविरोधः । उभयोः स्मार्तत्वात्सहाधिकारस्त्वस्यामवस्थायां बाध्यते । उक्तश्रौतवाक्यं श्रौतेष्वेव तथात्वबोधकमिति द्वितीयं तु

१ विवेचनीयमिति पं. ८

न युक्तं । दैवादिना कथंचित्प्रवासे तथानुष्ठानं हि युक्तं । न स्वेच्छया शक्तिसत्वे । अन्यथा बहूनामंगानां लोपापत्तेरिति च तदुक्तमपास्तम् । संकोचे मानाभावात् । दैवादिवदत्र वचनस्य साधकस्य सत्वात् । तद्बाधस्य सर्वथा तत्र सत्वाच्चेति दिक् ।

कस्यचिन्मतं खंडयति । **न चेति** । **लोप इति** । अग्नेरेवाभावादिति भावः । **तथेति** अत्र पक्षेऽग्नीनां प्रतिपत्त्यंतराम्नानात् 'अग्नीन्स्वात्मनि वैतानानिति' । इतिभावः । **अपेति** । तद्वत्तत्रापि विकल्पानुक्तेरत एव प्रागुक्तशंखोक्तौ नित्यपदसंगतिरिति भावः ।

यत्तु स यद्वा नैवायं विधिर्गार्हस्थ्याग्नेः किं तु 'श्रावणकेनाग्निमाधायेति' शास्त्रविहितकर्मांतराणि वैतानादीनि दर्शादिप्रयोगस्तु तत्र गौणः । अतस्तदाधानमभार्यस्यैव । गार्हस्थ्योपात्तप्रतिपत्तिस्तूक्तैवेति तत्र तेषां तद्विषयतायां कथंचिदप्युपपत्त्यभावात् मृतभार्यादेर्वाचनिकतद्विधानपरतया तदुपपत्तेश्च । तदेतत् ध्वनयन्दृष्टांतवैषम्यमप्याह । **न चेति** । नापीत्यर्थः । सर्वथेति भावः । तदाह । **पंचमेति** । तत्र गमनोत्तरमिति भावः । **आहितेति** । श्रावणी श्रुतिस्तत्र भवः श्रावणिको मार्गस्तेनाहितोऽग्निर्येन तस्य ब्रह्मचार्यादेरित्यर्थः । तत्र मानं स्मृतिमाह । **वानेति** । चीराजिने वाससी यस्य सः । **मूलेति** समाहारद्वंद्वः । **क्षपाशयः** रात्रिनिद्रः । क्ष्माशय इति पाठे तु भूमिशय इत्यर्थः । **वृक्षेति** अत इनीति ठन् । तन्मूलनिवासीत्यर्थः । **वसिष्ठेति** । **गौतमोऽप्येवम्** । **खंड इति** । "शकलखंडे वा पुंसी"त्युक्तेः । **वल्कलं** वृक्षत्वक् ॥ ४५ ॥

याज्ञवल्कीये ४६ श्लोकः ।

संगत्यर्थं निर्णीतार्थानुवादमाह । **साग्निरिति** । तत्र अनुष्ठाने गुणो द्रव्यं हविः । न्यूनतां निराचष्टे । **फालेति** । देशविशेषे कुद्दालादिनाऽपि कर्षणात् । तत्फलितमाह । **अकृष्टेति** । अग्नितृप्तिर्न विवक्षितेत्याह । **अग्निसाध्यानीति** । बहुवचनांतानां द्वंद्व इत्याह । **पितनिति** । **भृत्याभरणीयान्** । सेवार्थं समागतशिष्यादीन् । **यद्भक्ष्यमिति** । यदेव भक्षयते तत इत्यर्थः । बलिशब्द उपलक्षणं सर्वस्य वैश्वदेवस्य । **अम्मूलेति** इतरेतरद्वंद्वः । **आश्रमागतान्** पांथान् । **शंखोऽपि**

"यदाहारो भवेत्तेन पूजयेत्पितृदेवताः । तेनैव पूजयेद्विद्वानतिथिं समुपागतमिति" ।

अत एवाऽऽह । **एवमिति** । एवेनान्यव्यवच्छेदः । **देवताभ्य इति** । सर्वदा यदेव देवताभ्यो हुतं दत्तं तच्छिष्टमेव भक्षयेन्न शाकमूलफलादीत्यर्थः । इदं पर्वपरिमिति तु **मेधातिथिः** ।

मि. पृ. ११६ आत्मनीति निमित्तादिति सप्तमी । आत्मनिमित्तं आत्मार्थं शरीरस्थित्यर्थमुपयोजयेदित्यर्थः । स्वयं कृतमित्यस्य सैंधवादिनिषेधे तात्पर्यं न यौगिकार्थे इत्याह । **ऊखरेति** । फलितमाह । **एवमिति** । **ग्राम्यमिति** । व्रीहियवमयमन्नं । ततः प्रभृति नाश्नीयादित्यर्थः । परिच्छदः गवाश्च वस्त्रासनशय्यादि ।

व्रीह्यादीति । 'व्रीहिभिर्यजेत' इत्यादिश्रुत्या तेषां विहितत्वात् वाच्यमित्यर्थकं वचनीयं पदं । **बाध इतीत्यग्रे** योज्यम् । ननु न्यानर्थकाप्रतिहतामामिति **न्यायेन** तथैवोचितमित्यत आह । **अफालेति** । तत्र तन्नियमो नेति प्रागुक्तमेव । **न विरोध इति** । न श्रुति-

१ मनुस्मृ. अ. ६ श्लो. २५

स्मृत्योर्विरोध इत्यर्थः। तथा चैकवाक्यतैवेति न बाध्यबाधकभाव इति भावः। वासंतेति। वसंते शरादि च पच्यंते तानि। तथा स्वयमाहृतैरित्यनेन प्रतिग्रहादिवृत्तिकर्मनिषेधः स्मार्तानामुक्तकर्मणामनुष्ठानार्थं हत्यादिनाप्युपहरणं। चरुपुरूडाशाश्च वैखानसशास्त्रोक्ता एव ज्ञेयाः। ननु मानवे 'वासंतेति' बहुवचनांतद्वंद्वस्य मेध्यैरित्यस्य च मुन्यन्नविशेषणत्वात् विश्रुत्यर्थस्यैव तेन प्रतिपादनेन कथं व्रीह्यादेरफालकृष्टत्वसंभवे मानवं साधकमत आह। नीवारादीति। स्वतः स्वत एव मुन्यन्नत्वादेव व्रीह्यादीति वार्मंतादेवेत्यर्थः। कथं ततस्तल्लाभोऽत आह। मेध इति। तथा निघंटूक्तेरिति भावः। तथा च मुन्यन्नैरित्यनेन तान्येव ग्राह्याणि तानि। न तु तानि। एतेन मुन्यन्नैरिति न पूर्वसंबंधी किंतु स्वतंत्रं निमित्तम्। अत एवोक्तशंकानवकाशः। मेध्यैरित्यनुवाद इति मेधातिथ्याद्युक्तमपास्तम्। अग्रिमं व्याचष्टे। तथेति। जटाश्चेति।

"अग्निहोत्रं समादाय गृह्यं वाग्निपरिच्छदम्। ग्रामादरण्यं निःसृत्य निवसेन्नियतेन्द्रियः॥

"मुन्यन्नैर्विविधैर्मेध्यैः शाकमूलफलेन वा। एतानेव महायज्ञान्निर्वपेद्विधिपूर्वकम्॥

"वसीत चर्मचीरं वा सायं स्नायात्प्रगे तथेत्यादिः"। नखमास्त्रियाम्। "त्रिविधाश्चौपनिषदीरात्मसंसिद्धये श्रुती" रिति (६।२९) मनोराहाऽऽत्मोपासनेति। अत एव न वैय्यर्थ्यं। अन्यथा तत्स्पष्टमेव॥ ४६॥

याज्ञवल्कीये ४७ श्लोकः।

अर्थस्य साक्षादिनादिसंबंधाभावाच्छेषेणाह। संबंधीत्यादि। एवमग्रेऽपि बोध्यम्। अर्थस्य धान्यादेः। कर्मपर्याप्तेति दृष्टादृष्टकर्मपर्याप्तार्थसंचयमित्यर्थः। नियमफलमाह। नाधिकमिति। तस्य रागतः प्राप्तत्वेन नायमपूर्वविधिरिति भावः। नन्वेवं तुर्यपादसंगतिरत आह। यद्येवमिति। कथंचित्। रोगादिकृतभोजनाभावादिना अर्जनकाले तावत्तनायाः कर्तुमशक्यत्वेन च। एतेन तावत्पर्याप्तसंचयस्यैव सत्वेनाधिकस्यैवाभावात्कस्य त्याग इत्यपास्तम्। इदमपि षण्मासममनिचयपक्षयोः। मनुरपि (६।१४–१५)।

"सद्यः प्रक्षालको वा स्यान्माससंचयिकोऽथ वा। षण्मासनिचयो वा स्यात्समानिचय एव वा॥" इति।

"त्यजेदाश्वयुजे मासि मुन्यन्नं पूर्वसंचितम्। जीर्णानि चैव वासांसि शाकमूलफलानि चेति च॥" इति।

अजीर्णानां तु न त्याग इति भावः॥ ४७॥

याज्ञवल्कीये ४८ श्लोकः।

किंचेति। अन्यानपि तद्धर्मानाहेत्यर्थः। एवमग्रेऽपि बोध्यम्। दर्पो मदः। अपराह्णशब्देन यौगिकेन दिवसावसानसमयरूपः सायंभाग उच्यते। अतो न मन्वादिना श्रुत्यादिना च विरोधः। भारते तु पुरुषमात्रधर्मतयेदमुक्तं। मनूक्तस्नानद्वयं तु वैकल्पिकं बोध्यम्। अत्र सायं स्नानोक्त्या रात्रौ भोजनमनुमीयते। भुक्ते स्नाननिषेधात् इति केचित्। यतः स्नातकव्रतमतः स्नानमाचरेद्भुक्तेऽपीत्यके। णिन्यर्थमाह। शील इति। एवमग्रेऽपि। साहचर्यादाह।

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१ मनुस्मृ. अ. ४–६

याजनादीति। नित्ययोगे मनुमित्याह। **वेदाभ्यासेति**। यथा गार्हस्थ्येत्थावश्यकव्यापारदशा था तदभावस्तत्र तस्यैवाभावान्नेति भावः। अन्यासंभवादाह। **मूलफलेति**। त्रयाणां द्वंद्वः। आदिना शाकादि। **मनुरपि** (६।८)

"स्वाध्याये नित्ययुक्तःस्याद्दांतो मैत्रः समाहितः। दाता नित्यमनादाता सर्वभूतानुकंपकः॥" इति।

शंखोऽपि "स्वाध्यायं च तथा कुर्याज्जटाश्च बिभृयात्तथेति" ॥ ४८॥

याज्ञवल्कीये ४९ श्लोकः।

रूपके साधारणधर्ममाह। **निस्तुषीति**। मत्वर्थीयष्ठनित्याह। **तदिति**। कालस्य कार्यमात्रं प्रतिसाधनत्वादाह। **कालेनैवेति**। धान्येति धान्यरूपा अवस्था यस्य तत्सतुषं धान्यमिति यावत्। न तु तंडुलादीति भावः। **वेणुशब्दस्तदीयधान्यपरः**। न्यूनतां निराचष्टे। **वाशब्द इति**। अग्निनैव पक्वमशनं यस्येत्यर्थः। **एवोऽन्यव्यवच्छेदे** "अश्मकुट्टो भवेद्वापि दंतोलूखलिकस्तथे"त्यस्योत्तरार्द्धः (६।१७)। एवं चोभयत्रापीदं द्वयं बोध्यम्। अत एव दंतोलूखलिकत्वापेक्षया विकल्पमाह। **अश्मेति**। वाशब्दस्य मध्यमणिन्यायेनात्राप्यन्वय इति भावः। एतेन सकृद्वाशब्देन त्रयाणां विकल्प इत्यपास्तम्। व्यधिकरणबहुव्रीहिमाह। **अश्मनेति**। एतेनैकं फलपरमेकं धान्यपरमुभयमप्यन्यतरपरमित्यपास्तम्।

उत्तरार्धं व्याचष्टे। **तथेति**। क्रियास्तथेत्यस्यावैयर्थ्यायाह। **दृष्टार्थाश्चेति**। अनेन पूर्वयो-
मि. पृ. ११७ रदृष्टार्थत्वं सूचितम्। फलातिप्रसंगनिरासायाह। **लकुचेति**। लकुचादयो वृक्षविशेषाः। नियमफलमाह। **त्विति**। **मेध्येति**। इदं च फलद्वारकं स्नेहविशेषमूलानुरोधात्स्थलजोदकशाकानि पुष्पमूलफलानि चेत्यस्यादिः। निषेधोऽपि **मानवे** (६।१४)

"वर्जयेन्मधुमांसानि भौमानि कवकाणि च। भूस्तृणं शिग्रुकं चैव श्लेष्मातकफलानि चेति"॥

"न फालकृष्टमश्नीयादुत्सृष्टमपि केनचित्। न ग्रामजातान्यार्तोऽपि मूलान्यपि फलानि चेति॥"[1]

स्थलजान्युदकादीनि। अनेन 'तदन्याभ्युपगमः।' मधु क्षौद्रं तस्य नित्यं निषेधात्। कवकानां छत्राकाणां वृक्षकोटकादावपि जायमानत्वात्तद्व्यावृत्तये भौमानीति विशेषणमिति केचित्। गृहस्थधर्मेष्वविशेषेण निषेधात्तेषामत्र नियमो न युक्त इति। भौमानीति स्वतंत्रगोजिह्विकादिनिषेधपरमित्यन्ये। सर्वथा भूजातमात्रस्य न निषेधः। कवकानां प्रतिषिद्धत्वात्पुनः प्रतिषेधो भूस्तृणादीनां तत्समप्रायश्चित्तार्थः। भूस्तृणशिग्रुकशब्दौ वाहीकेषु प्रसिद्धौ शाकविशेषवचनौ। आरण्यस्यापि फालकृष्टस्य निषेधः। ग्रामजातान्यफालकृष्टान्यपि। सन्त्यजेदित्यनेनैव सिद्धे देवताभ्यर्चनादौ निषेधार्थमिदम्। आर्त्तोऽप्यन्यासंभवेऽवश्यकर्तव्यदेवतार्चनादौ प्रतिनिधिनापि न ग्राह्याणीत्यर्थः। अपिर्भिन्नक्रमे पुष्पादीन्यपि न ग्राह्याणि किं पुनर्धान्यानीत्यर्थः॥ ४९॥

याज्ञवल्कीये ५० श्लोकः।

सदा सर्वकालम्। एतत्सर्वशेषः। वेत्यस्यार्थो **यद्वेति**। अहनीत्यत्राहोरात्रं न विवक्षितं मन्वाद्यनुरोधादत आह। **नक्तमिति**। **नयेदित्यादेरतिक्रामेदित्यर्थः**। **नापीति**कालं नयेदित्यस्यानु-

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[1] मनुस्मृ ६।१६

षंगः । एकं दिनमतीत्य द्वितीये सायं भुंजानश्चतुर्थकालिकः । एवं त्रीण्यतीत्य चतुर्थे सायं भुंजानोऽष्टमकालिकः । भोजनस्य प्रक्रांतत्वात्कालसंबंधः । मत्वर्थीयष्ठन् । एतदग्रे स एव (६।२०)

"चांद्रायणविधानैर्वा शुक्ले कृष्णे च वर्तयेत् । पक्षांतयोर्वाऽप्यश्नीयाद्यवागूं कथितां सकृदिति॥" पक्षांतौ पर्वणी सकृत्सायंप्रातर्वा । शंखोऽपि

" चतुर्थकालिको वा स्यात्षष्टकालिक एव वा । कृच्छ्रैर्वाऽपि नयेत्कालं ब्रह्मचर्यं च पालयेत् ॥ " एवं नीत्वा वने कालं द्विजो ब्रह्माश्रमी भवेदिति" । व्यवस्थामाहैतेषां त्रेति ॥ ५० ॥

याज्ञवल्कीये ५१ श्लोकः ।

आहारेति । तयोः समयं वर्जयित्वेत्यर्थः । निर्हारो निष्कृष्य हरणं निष्काशनादि वा । विहारेति पाठे संचारोऽर्थः । रात्रौ रागप्राप्तस्वापनियमविधिफलमाह । **नोपेत्यादि** । **रात्रावेवेति** । नियमस्तु नेत्याह । **दिवेति** । **पुरुषेति** ब्रह्मचार्यादिसकलं पुरुषेत्यर्थः । एवं शुचित्वांशेऽपि न नियम इति बोध्यम् । नियमांतरमाह । **तथेति** । **शय्या** खट्वा । **मंचकः** पर्यंकः । आदिना मित्यादि । **दिनं संप्रपदैरिति** पाठस्तदाह । **दिनं त्विति** । अत्राश्रमे विहाराभावेन त्रयाणां न द्वंद्व इत्याह । **स्थानेति** । तदर्थमेवाह । **कंचिदिति** । श्रुतीरितीति ।

" ऋषिभिर्ब्राह्मणैश्चैव गृहस्थैश्चैव सेविताः । विद्यातपोविवृद्ध्यर्थं शरीरस्य च शुद्धये " ॥

इति शेषः । **दिनमितीति** ।"स्थानासनाभ्यां विहरेत्सवनेषूपयन्नप" (६।२२)इति शेषः । विपरिवर्तनं । केवलभूमावेकेन पार्श्वेन पतित्वा पुनः पार्श्वान्तरेणास्थानं इदमेव परिलोटनम् उपयन्नप इत्यनेन नद्यादीनामसंभवे उद्धृतोदकेनापि स्नानम् । सवनत्रये प्रागुक्ते दर्शितम् । **पादाग्रैरिति** । तथा च तदन्यसंबंधो न भूमेरिति भावः ।

याज्ञवल्कीये ५२ श्लोकः ।

यद्यपि"ग्रीष्मे पंचतपास्तु स्याद्वर्षास्वभ्रावकाशकः । आर्द्रवासास्तु हेमंते क्रमशो वर्द्धयंस्तपः॥" इति **मानवं** यथाश्रुतं व्याख्यानं **मेधातिथिना** हेमंतग्रहणमात्रं शिशिरस्याप्युपलक्षणं कृतं तथापि तन्न युक्तम् । न्यूनतायास्तदवस्थत्वात् । तदेतत् ध्वनयन्नाह । **त्र्यतुरिति** । त्रयो ऋतवो यस्मिन्स संवत्सरः । तानेवाह । **ग्रीष्म इति** । सामीप्याल्लक्षणेति भावः । **चत्वार** 'अग्रय' इति पाठः । स्थंडिलं न विवक्षितं । मन्वनुरोधादतस्तात्पर्यार्थमावर्षाधारेति तन्निवारणार्थं छत्रवस्त्रादिकमपि न ग्राह्यमिति भावः । तात्पर्यार्थमाह । **यथा शरीरेति** । **तप इति** । "उपस्पृशं स्त्रिषवणं पितन्देवांश्च तर्पयन्" इत्यस्यादिः । उपस्पर्शः स्नानं । उग्रतरं प्रकृष्टतरं । मासोपवासादि शरीरपीडाजनकम् । **शंखोऽपि**

"तपसा शोषयेन्नित्यं स्वकं चैव कलेवरं । आर्द्रवासास्तु हेमंते ग्रीष्मे पंचतपा तथा ॥ "प्रावृष्याकाशशायी च नक्ताशी च सदा भवेदिति ॥" ५२ ॥

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१ मनुस्मृ ६।३० । २ मनुस्मृ ६।२३. । ३ मनुस्मृ ६।२४ ।

याज्ञवल्कीये ५३ श्लोकः ।

बहुवचनलब्धार्थमाह । कंटकादिभिरिति । एवमग्रेऽपि । वेरर्थमाह । विविधमिति । योग्यतयाऽऽहांऽगानीति । तुश्चार्थे इत्याह । यश्च चंदनेति ॥ ५३ ॥

याज्ञवल्कीये ५४ श्लोकः ।

मि. पृ. १९८ अग्निपरिचर्याक्षममिति । चिरकालकृततपसा क्षीणसप्तत्यधिकावस्थां प्राप्तं वानप्रस्थं प्रतीत्यर्थः । अनतिप्रसंगायाह । वृक्ष एवेति । तन्मूलमेवेत्यर्थः । चेन स्मार्ताग्निसमुच्चयः । अत एवानग्निर्वाह्याग्निरहितः । अत एव वानिकेतः । अग्निरक्षणाद्यर्थं कृतपर्णकुट्याऽपि रहितः । मूलफलाशनारण्यानामपि नीवारादीनां भोक्ताऽन्नानाम् । मुनिः स्यात् वाङ्नियमकृत्स्यात् । मौनव्रतधारी स्यादित्यर्थः । तथा लोकप्रसिद्धेः । तदाह । मुनिरिति । किंच

"पुष्पमूलफलैर्वाऽपि केवलैर्वर्तयेत्सदा । कालपक्वैः स्वयंशीर्णैर्वैखानसमते स्थितः" ॥ इति सः (६।२१) । यात्रार्थमित्यस्यार्थमाह । यावतेति । यात्रा प्राणधारणम् । तदाह मनुः (६।२६–२७)

"अप्रयत्नः सुखार्थेषु ब्रह्मचारी धराशयः । शरणेष्वममश्चैव वृक्षमूलनिकेतनः ॥

"तापसेष्वेव वृक्षेषु यात्रिकं भैक्षमाहरेत् । गृहमेधिषु वान्येषु द्विजेषु वनवासिषु ॥" इति । शरणेषु कुटीवृक्षमूलादिषु । अममः आत्मीयत्वाभिनिवेशरहितः । तापसेष्वित्यादिषु पंचम्यर्थस्य तत्वविवक्षया सप्तमी । यात्रिकमिति मत्वर्थीयष्ठन् । अन्येभ्यो गृहस्थेभ्यो वनवासिभ्य एव द्विजेभ्यो वेत्यर्थः ॥ ५४ ॥

याज्ञवल्कीये ५५ श्लोकः ।

(पूर्वार्धः ।)

तदसंभवः । वानप्रस्थगृहभैक्षासंभवः । सर्वथाऽस्य बाधितत्वादाह । व्याघ्यभीति । अर्थलुप्त इति । अर्थाल्लुप्त इत्यर्थः । अस्यानुकल्पत्वेन ततोऽभिफलभिक्षैवेत्यपि । तथा मनुरपि(६।२८–२९)

"ग्रामादाहृत्य वाऽश्नीयादष्टौ ग्रामान्वने वसन् । प्रतिगृह्य पुटेनैव पाणिना शकलेन वा ॥

"एताश्चान्याश्च सेवेत दीक्षा विप्रो वने वसन्निति" । पुटं पत्रस्य । पाणिनेति भाजनाभावः । शकलं शरावादिखंडः । एताः प्रागुक्ता अन्याश्चक्षुर्निमीलनादयः दीक्षानियमाः । शंखोऽपि

"ग्रामादाहृत्य वाऽश्नीयादष्टौ ग्रासान्समाहित" इति । न्यूनतां निराचष्टे । यदा पुनरिति । मुनेः यतेः ।

(उत्तरार्धः ।)

अवतरत्यालब्धार्थमाह । अथवेति । प्राग्वदाह । वायुरेवेति । अकुटिलेत्यत्र मानमाह । यथाहेति । अपराजिता ऐशानी ।

"आ निपाताच्छरीरस्य युक्तो वार्यनिलाशनः" इत्यस्योत्तरार्द्धम् । इदमेव महाप्रस्थानं वीराध्वा च । अत एवातन्निरासायाह । महेति । ज्वलनस्याभ्यर्हितत्वात्पूर्वनिपातः । महाप्रस्थानमिति । तथैवाहैवमिति । ऐंद्रवं चांद्रायणदीक्षानियमाः । मूलानुरोधेनाह । महेति । कादाचित्कत्वनिरासायाह । नन्विति । एता एव महर्षिचर्याः । तदन्यतमया एकपाकया ।

कयाचिदपि यथासंभवं । नरकदुःखानुभवः शोकः । नरकं गमिष्यामीति भयं । तदुभयरहितः । विप्रग्रहणं द्विजोपलक्षणम् । अव्यवधानेनैवार्चिरादिक्रमेण ब्रह्मलोकं प्राप्य तत्र पूज्यमान आस्ते इत्यर्थः । **स्थानेति** । स्वर्गादपि निरतिशय इत्यर्थः । **तुरीयेति** । केवलकर्मकृतो मोक्षाभावादिति भावः । **गीतोक्तमाह** । **योगेति** । तद्भावो भक्तत्वम् । **आदिना** सारूप्यादिपरिग्रहः । अत्र श्रुतिं मानमाह । **त एवेति** । श्रुतावित्यस्याभिधानद्वयेऽन्वयः । **स्कंधः** शाखा । **यज्ञ इति** । इत्येतिपाठांतरं । **प्रथमः** गृहस्थरूपः सः । द्वितीयो वानप्रस्थः । तृतीयो नैष्ठिकः । ब्रह्मेत्यादिनाऽयमेवोच्यते । उपकुर्वाणस्य संगृहीतत्वात्पृथगत्रानुक्तिः । यागादिकं तत्स्वरूपं । अन्यथा श्रुतिविरोधः

मि. पृ. ११९ **स्पष्ट एवेति** भावः । एवं सत्यन्यविरोधमपि परिहराति । **यदपीति** । एवंनैतद्विरुद्धं मेधातिथ्याद्युक्तमपास्तमिति दिक् ॥ ५५ ॥

इति वानप्रस्थप्रकरणम् ॥ ३ ॥

अथ यतिधर्मप्रकरणम् ॥ ४ ॥

संगतिमवसररूपामाह । **वैखानसेति** । वानप्रस्थेत्यर्थः । **प्रस्तौति** । अभिकरोति । **प्रारभते** । तान्वक्रमादावधिकारिनिरूपयतीति यावत् ।

याज्ञवल्कीये ५६ । ५७ श्लोकौ ।

वनान्मोक्षे इत्यंशं व्याचष्टे । **यावतेत्यादि** । तपः प्रागुक्तकृच्छ्रचांद्रायणादि । **शोषितेति** । 'शोधितेति' पाठांतरं । **कषायो** रागः । तात्पर्यार्थमाह । **पुनश्चेति** । दूरांतिकार्थैरिति पंचमीत्याह । **तत्समेति** । ननु वनादिशब्दस्यान्यार्थकतया प्रसिद्धेः कथमुक्तार्थलाभोऽत आह । **वनेत्यादि** । प्रकरणादिनेति भावः । 'तत्संबंधाश्रमौ लक्ष्येते' इति पाठः । अन्यथापाठे तु जातावेकवचनम् । लक्षणाबीजं तु स्पष्टमेवोक्तं । तद्विना तदसंभवादाह । **मोक्षेति** । लक्ष्यत इत्यस्याग्रेऽनुषंगः । गृहाद्वा मोक्षे इत्यंशं व्याचष्टे । **अथवेति** । **समुच्चयपक्ष इति** । **मनुरपि** (६ । ८६–९७) ।

"एष धर्मोऽनुशिष्टो वो यतीनां नियतात्मनाम् । वेदसंन्यासिकानां तु कर्मयोगं निबोधत ॥
"ब्रह्मचारी गृहस्थश्च वानप्रस्थो यतिस्तथा । एते गृहस्थप्रभवाश्चत्वारः पृथगाश्रमाः ॥
"सर्वेऽपि क्रमशस्त्वेते यथाशास्त्रं निषेविताः । यथोक्तकारिणं विप्रं नयंति परमां गतिम् ॥
"सर्वेषामपि चैतेषां वेदस्मृतिविधानतः । गृहस्थ उच्यते श्रेष्ठः स त्रीनेतान्बिभर्ति हि ॥
"यथा नदीनदाः सर्वे सागरे यांति संस्थितिम् । तथैवाश्रमिणः सर्वे गृहस्थे यांति संस्थितिम् ॥
"चतुर्भिरपि चैवैतैर्नित्यमाश्रमिभिर्द्विजैः । दशलक्षणको धर्मः सेवितव्यः प्रयत्नतः ॥
"धृतिः क्षमा दमो स्तेयं शौचमिंद्रियनिग्रहः । धीर्विद्या सत्यमक्रोधो दशकं धर्मलक्षणम् ॥
"दश लक्षणानि धर्मस्य ये विप्राः समधीयते । अधीत्य चानुवर्तंते ते यांति परमां गतिम् ॥
"दशलक्षणकं धर्ममनुतिष्ठन्समाहितः । वेदांतान्विधिवच्छ्रुत्वा संन्यसेदनृणो द्विजः ॥
"सन्यस्य सर्वकर्माणि सर्वदोषमपानुदन् । नियतो वेदमभ्यस्य पुत्रैश्वर्ये सुखं वसेत् ॥

"एवं सन्न्यस्य कर्माणि स्वकार्यपरमोऽस्पृहः । संन्यासेनापकृत्यैनः प्राप्नोति परमां गतिम् ॥

"एष वोऽभिहितो धर्मो ब्राह्मणस्य चतुर्विधः । पुराणोऽक्षयफलः प्रेत्य राज्ञो धर्मं निबोधतेति" ॥

तृतीयं पक्षमाह । **तथेति** । गार्हस्थ्यादितरयोराश्रमयोर्वानप्रस्थसंन्यासयोरित्यर्थः । ब्रह्मचर्यं तु सर्वमूलभूतमस्त्येवेति भावः ॥

व्यवस्थामाह । **एषां चेति**। उक्तक्रमेणाह । **समुच्चयेति** । बाधनिरासायाह । **श्रुतीति** । **इच्छयेति** । अधिकारेच्छयेत्यर्थः । तथा च व्यवस्थितविकल्पः । नान्यतमेनापरबाध इति भावः । **अतः** उक्तरीत्यो । निर्वाहात् तत्साफल्यमाह । **गार्हस्थेति** । **स्वाध्यायेति** । वेदाध्ययनाभावमूलकमित्यर्थः । दोषांतरमाह । **किंचेति** । ननु को वाऽत्राधिकारी यदि इच्छया विकल्पोऽत आह । **अस्मिंश्चेति । तथेति** समुच्चये । यथासंख्यमन्वयः । **ब्राह्मणस्य** नैष्ठिकस्यैव । ननु **मानवे** इतोऽप्युपक्रमे द्विजपदं श्रूयते मध्ये च उपसंहारे च । तथा हि (६।३३,३४,३६, ३७)

"वनेष्वथ विहृत्यैवं तृतीयं भागमायुषः । चतुर्थमायुषो भागं त्यक्त्वा संगान्परिव्रजेत् ॥

"आश्रमादाश्रमं गत्वा हुतहोमो जितेंद्रियः । भिक्षाबलिपरिश्रांतः प्रव्रजन्प्रेत्य वर्द्धते ॥

"अधीत्य विधिवद्वेदान्पुत्रांश्चोत्पाद्य धर्मतः । इष्ट्वा च शक्तितो यज्ञैर्मनो मोक्षे निवेशयेत् ॥

"अनधीत्य द्विजो वेदाननुत्पाद्यैव चात्मजान् । अनिष्ट्वा चैव यज्ञैश्च मोक्षमिच्छन् व्रजत्यध ॥" इति ।

"यो[1] दत्वा सर्वभूतेभ्यः प्रव्रज्यत्यभयं गृहात् । तस्य तेजोमया लोका भवंति ब्रह्मवादिनः ॥

"यस्मादण्वपि भूतानां द्विजान्नोत्पद्यते भयम् । तस्य देहाद्विमुक्तस्य भयं नास्ति कुतश्चन ॥

"आगारादभिनिष्क्रान्तः पवित्रोपचितो मुनिः । समुपोढेषु कामेषु निरपेक्षः परिव्रजेदिति"॥

"अनेन क्रमयोगेन परिव्रजति यो द्विजः । स विधूयेह पाप्मानं परं ब्रह्माधिगच्छति ॥" इति।

"वेदान्तान्विधिवत् श्रुत्वा संन्यसेदनृणो द्विजः ।" इति च । तथा च कथं तत इष्टार्थसिद्धिः । किंच तथा सति वानप्रस्थप्रकरणे उपक्रमे द्विजपदसत्वेऽपि उपसंहारे "विप्रो वने वसन्" विप्रो ब्रह्मलोके महीयतेति द्विजस्तथोक्तोपक्रमत उपसंहारस्य प्राबल्येन तत्राप्यतिप्रसंगोऽत आह । **ब्राह्मणा इति । मात्रं** कार्त्स्न्ये । एवं सिद्धांतमुक्त्वैकदेशिमतमाह । **अन्ये त्विति । सूत्रमाह । त्रयाणामिति । अपरार्केऽपि**

"ऋणत्रयमपाकृत्य निर्ममो निरहंकृतिः । ब्राह्मणः क्षत्रियो वाऽथ वैश्यो वा प्रव्रजेत् गृहादिति ॥"

धर्मविवृत्तावपि

"ब्राह्मणः[2] क्षत्रियो वैश्यस्ततो गच्छेद्वनं कृती । संन्यसेद्वाऽथ वा शांतः सर्वभूतदयापरः ॥" इति।

ननु क्षत्रियादेरेतन्निषेधपराण्यपि वाक्यानि वक्ष्यमाणानीति तेषां का गतिरिति चेत् उच्यते "अबाधेनोपपत्तौ बाधो न न्याय्य" इति **न्यायेन** श्रुतिस्मृतिविरोधपरिहाराय विधिवाक्यानामाश्रमरूपविधौ तात्पर्यं निषेधवाक्यानां तु दंडादिग्रहणमात्रनिषेधे तात्पर्यं । तस्मात्क्षत्रियादेरपि तन्मात्रनिषेधो नाश्रमनिषेधः । एवं च ब्राह्मणपदमात्रघटितानि वाक्यान्यप्युपलक्षणपरतया ब्रह्म वेदस्तन्निष्टस्तदध्ययनवान् ब्राह्मण इति व्युत्पत्तिपरतया वा नेयानीति न कोऽपि विरोधः।

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१ ६।३९-४१ । २ अ. ६ श्लो. ८५,९४ ।

उक्तश्रुतौ तु बहुवचनादाद्यर्थलाभोऽपि सुवच इत्येतन्मततात्पर्यम् । अत्रान्ये त्वितीत्यनेनारुचिः सूचिता । सा चेत्थम्

"श्रुतिस्मृतिविरोधे तु श्रुतिरेव बलीयसी । अतः श्रुत्यनुसारेण व्यवस्था च विधीयते ॥"

इत्युक्ते"ब्राह्मणः प्रव्रजतीति" **श्रुत्या** ब्राह्मणत्वजातिप्रवृत्तिनिमित्तिकब्राह्मणशब्दबोध्य-ब्राह्मणोद्देशेन प्रव्रज्या विधीयते । हविरुभयत्ववदुद्देश्यविशेषणस्याविवक्षितत्वेऽपि हविर्वत् ब्राह्मणत्वस्योद्देश्यस्य विवक्षितत्वात् । न चोपलक्षणत्वं मानाभावात् । न च बहुवचनात्तदर्थलाभः । ब्रह्मचर्याद्याश्रमभेदभिन्नानां त्रयाणां संग्रहेण तस्य साफल्येऽन्यथानुपपत्यभावेनागतिकगत्याश्रयणस्यायुक्तत्वात् । न चोक्तव्युत्पत्या त्रयाणामपि ग्रहाणां "रूढिर्योगमपहरतीति" **न्यायेन** सकललोकतंत्रप्रसिद्धब्राह्मणत्वजातिमात्रार्थस्य त्यागे मानाभावादन्यथा 'गच्छाति गौरिति' व्युत्पत्त्या तेनान्यस्यापि तादृशस्य ग्रहणं । यतस्तस्मात्क्षत्रियादिशब्दवदयमपि तथैवेति तत्रैव श्रुतितात्पर्यं इति तस्यैवाधिकारः । अत एव **दत्तात्रेयोऽपि**

"मुखजानामयं धर्मो यद्विष्णोर्लिंगधारणम् । बाहुजातोरुजातानामयं धर्मो न विद्यते" ॥ इति

"गतिस्तुर्याश्रमे प्रोक्ता मुखजाना स्वयंभुवेति" च लिंगधारणनिषेधमात्रपरत्वं तु नास्य युक्तम् । आश्रमसत्वे तल्लिंगाभावस्यान्यत्राहृष्टत्वात् गत्यंतरसंभवे तथा कल्पनानौचित्याच्च । **धर्मविवृतावपि**

"संन्यसेत् ब्राह्मणः सम्यक् वानप्रस्थो भवेन्नृपः । वानप्रस्थो भवेद्वैश्य एवं वर्णक्रमः स्मृतः ॥" इति ।

अस्यापि प्रागुक्तरीत्याऽर्थांतरकरणं तु तत एवायुक्तम् । एतेन "जायमानो वै ब्राह्मण" इतिवदत्रापि **श्रुतौ** ब्राह्मणशब्दस्त्रैवर्णिकपर इत्यपास्तम् । ब्रह्मचर्येणेत्यादिवाक्यशेषस्यैवात्र कस्यचिद्भ्रमकास्याभावात् लब्धात्मिकीया रूढेः प्राबल्याच्च । अनुपपत्तेरभावेन लक्षणाया असंभवाच्च । नन्वेवमुक्तस्मार्तवचनानां का गतिरिति चेत् शृणु । अप्रमाणानि तानि । "औदुंबरी सर्वा वेष्टयितव्येति"वदिति केचित् । अन्ये तु **अपरार्कोक्त**स्मृत्यंतरस्य प्रव्रजेदित्यस्य वानप्रस्थाश्रमं गच्छेदित्यर्थः । यद्यपि प्रवज्याशब्दस्य संन्यासे रूढिस्तथापि तिङन्तस्यान्यत्रापि प्रयोगात् श्रुत्यविरोधार्थत्वाच्चात्र एवमेवास्यापि वैराग्यहेतुकत्वात् इत्याहुः । अपरे तु यदा "ब्राह्मणः स्ववृत्त्या जीवन् क्षत्रियवृत्तिमाश्रितवान् तयाऽप्यजीवन्वैश्यवृत्तिं ततस्तामापदं निस्तीर्यापि न तां त्यजति किंतु तत्रैवावास्थित" इति तत्पदं वाच्यो भवति तदभिप्रायकं । तत एतत्सूचनार्थमेवाथ शब्दः । तेन तत्तदानंतर्यप्रतिपादनादित्याहुः । एतेन **धर्मविवृत्तिवचनं छंदोगसूत्रं** च व्याख्यातम् अंत्ये यथोचितमित्यध्याहारेणापि निर्वाहः । एवं **मनुदत्तात्रेय**वचनानुकल्पमपि बोध्यम् । एवं रीत्या अन्यान्यपि विरुद्धवचनानि व्याख्येयानि ।

"शिखायज्ञोपवीतानां त्यागपूर्वकदंडयुगिति" **ब्रह्मांडपुराणस्थ**वचनमपि **छंदोगसूत्र**समानार्थम् । यत्तु जडभरतं प्रति पैंगिरहस्योपदेशो "यदि मृत्योः परं शांतमनामयं शाश्वतं पदमिच्छुरसि तत्परमहंसो भवेति" तत्रापि परमहंसो निर्मरणो भवेत्यर्थः । प्रैषोच्चारेण पूर्वकमाश्रमग्रहणं तस्य हि क्वापि न श्रुतम् । या च **जाबालश्रुतिर्जनकयाज्ञवल्क्यसंवादे** तत्र "परमहंसका नाम संवर्तकारुणिश्वेतकेतुदुर्वासासौभरिमुनिदाल्भ्यजडभरतदत्तात्रेयरैवतकप्रभृतय"

इति तत्रापि अहंकारममतयोरभावात्परमहंससादृश्येन परमहंसा इति व्यपदेशस्तस्मात्सिद्धं ब्राह्मणस्यैवाधिकार इति दिगिति । अथाग्रिमं व्याचष्टे **यदेत्यादिना** । वेदस् शब्दो धनपर्यायः । मि. पृ. २००. कर्मधारयात्तस्येदमित्यणित्याह । **सर्वधनेति** । **आदिना** पित्रादिपरिग्रहः । वनांशे फलाभावादाह । **अनेनेति** । "वनाद्गृहाद्वे"त्युक्तेः फलमाह । **यदा त्विति** । **तत्र** प्रजोत्पादनादौ । ननु सोऽपि अस्तु तस्यात आह । **रागेति** । **नियमेति** । रागप्राप्तत्वादेव तस्य नियमविधित्वमिति भावः । **अन्येति** । रागित्यर्थः । **तस्य** विधेः । **इति** श्रुतिरिति शेषः । **मात्रं** कात्स्न्र्ये । एवं च दारपरिग्रहोऽप्यावश्यक इति भावः । देवांशे दोषमाह । **यज्ञादिष्विति** । तर्ह्युक्तश्रुतेः का गतिरत आह । **तस्मादिति** । न तूत्पत्तिमात्रेण जायमानत्वमिति भावः । **तस्य** श्रुतिवाक्यस्य । अत एव कण्वभीष्मादीनां सद्गतिरिति बोध्यम् । उपसंहरति । **अतश्चेति** । **एवेन** तद्व्यवच्छेदः ॥ ५६ ॥ ५७ ॥

याज्ञवल्कीये ५८ श्लोकः ।

तस्य तु उदासीने कर्तव्याभावादाह । **प्रियाप्रियेति** । हितत्वस्याप्यर्थधर्मत्वादाह । **उदेति** । यथाक्रममाहिताहितेति । **अनारंभीति** । ताच्छील्ये णिनिः । अविनिगमकत्वादाह । **बाह्येति** । **त्रय** इति । तद्धितार्थे द्विगुः । इदमुपलक्षणमित्याह । **एकं वेति** । एतदभिप्रायक एव **मनुः** (१२।१०)

"वाग्दंडोऽथ मनोदंडः कर्मदंडश्च ते त्रयः । यस्यैते नियता दंडाः स त्रिदंडीति कथ्यते"॥ इति ।

कात्यायनेन सामान्यतः सर्वाश्रमिणां सदा यज्ञोपवीतधारणस्मरणादाह । **यज्ञोपेति** । उपलक्षणत्वादेवान्यदप्याह । **तथेत्यादि** । **पुत्रदारमिति** समाहारद्वंद्वः । प्राधान्यात्पृथगुक्तिः । वेदश्च अंगानि च । कमंडल्वादिमात्रांतद्वंद्वस्य सहेन समासः । अथाग्रिमं व्याचष्टे । **शौचेति** । एक एवारमते इति व्युत्पत्तेराह । **यत्रेति** । एकाश्रम इत्यत्र संमतिमाह । **तथा चेति** । **यथोक्तः** मि. पृ. २०१ स्वोक्तधर्मविशिष्टः । **द्वौ मिथुनमेव स्मृतं** । **पैशून्यं मात्सर्यमपि** । संबंधात् भवत्यत्र **न संशय** इत्यर्थः । **सुखेति** सुखजनकं चेत्यर्थः । यथासंख्यमन्वयः । अविरोधायाशात्रेति । अत एव **स्मृत्यंतरं**

"एकाक्षरं परं ब्रह्म प्राणायामः परं तपः । उपवासात्परं भैक्षं दया दानाद्विशिष्यते॥"इति ।

तत्र विशेषमाह । **वर्षेति** । वर्षाभ्योऽन्यत्रेति पूर्वान्वयि । वर्षासु तु **मात्स्येऽपि**

"अष्टौ मासान् विहारः स्यान्मुनीनां संयतात्मनाम् । एकत्रिचतुरो मासान् वार्षिकान्निवसेत्पुनः ॥

"अविमुक्ते प्रविष्टानां विहारस्तु न विद्यते । न देहो भविता तत्र दृष्टं शास्त्रे पुरातनैः॥" इति । ५८ ॥

याज्ञवल्कीये ५९ श्लोकः ।

असंकल्पितानीति । अमनोनिश्चितानीत्यर्थः । सिद्धांतभूतपंचधाविभागेनाह । **अह्न** इति । **विधूम** इत्यादिबहुव्रीहिणा कालविशेषणम् । **सन्नं** निवृत्तं मुसलं तदाघातो यत्र । भुक्तवाञ्जनो यस्मिन् । **शरावाणामुच्छिष्टपात्राणां** संपाते भूमौ त्यागे । **वृत्ते**ऽतीते । अत्र यथासंभवं समुच्चयो विकल्पो वा बोध्यः । अत एव वक्ष्यमाणसंगतिः । **मनुमेवाह** । **तथा एकेति** । अत्र भिक्षाचरणकार्यस्य भोजनस्यैककालता विधीयते । न तु भैक्षाचरणस्यैव । द्विर्भोजननिषेधात् ।

अन्यथा एककालभिक्षाचरणेऽपि स्थापितशेषेण द्वितीयभोजनसंभवस्तदाह। **न प्रेति**। द्वितीयभोजनार्थतया हि विस्तरः प्राप्नोति। तत्रेष्टापत्तौ दोषांतरमप्याह। **भैक्षेति**। तद्विषयेऽतिप्रसक्त इत्यर्थः। **हि** यतः। **ज्योतिर्नक्षत्रादि**। **ज्ञानं** चात्मनः। तयोरुपदेशादिना। **उत्पातो** **दिव्यादि**-धूमकेत्वादिः। **निमित्तं** ग्रहस्थित्यादि। **नक्षत्रविद्या** 'अथ कृत्तिके'त्यादि। **अंगविद्या** हस्तलेख्यादि। **अनुशासनं** राज्ञस्तत्प्रकृतीनां चैवं वर्तितुं युक्तमित्यादि। **वादो**ऽभिमानहेतुकः शास्त्रार्थविप्रतिपत्तौ साधनदूषणाद्युपन्यासः। तेनैव **मनुनैव**। विरोधं मूलस्य "सायाह्ने" इत्यस्य "एककालमिति" **मनो**श्च परिहरति। **यत्पुनरिति**। यतिपरत्वेऽन्येषामपि तद्दैवं संचारादसंगतिं परिहरति। **योगेन भिक्षणेति**। **वयोभिः** पक्षिभिः। **आकीर्णं** यत्र बहवोऽन्नलोभार्थं मिलितास्तत् गृहं। **यात्रा** रक्षणं संपत्तिः। **मुनिर्मनः**शीलः ॥ ५९ ॥

याज्ञवल्कीये ६० श्लोकः।

मि. पृ. २०२ शुद्धिशब्दो लाक्षणिक इत्याह। **शुद्धिसेति**। **प्रयोगांगेत्यनेन** शुद्धापेक्षा सूचिता। **नामेध्येति** तदुपहतिविषया नेत्यर्थः। **तदुपेति** अमेध्याद्युपहते त्वित्यर्थः। यदा भिक्षाचरणादिकं कर्म करिष्यमाणस्तदा तत्कर्मोपयुक्तमृद्दादिपात्राणि गोवालैरवघृष्य प्रक्षाल्य तत्कर्म कुर्यादिति तत्तात्पर्यम्। **अतैजसानि** अधातुमयानि।

"नाभिनंदेत मरणं नाभिनंदेत जीवितम्। कालमेव प्रतीक्षेत निर्वेशं भृत्यको यथा॥

"अभिवादांस्तितिक्षेत नावमन्येत कंचन। न चेमं देहमाश्रित्य वैरं कुर्वीत केनचित्" ॥ इत्यादि **मानवे** (६।४५,४७)। स्पष्टम्। नियुक्तार्थलाभमाह। **चमसेति**। **प्रायोगिकी** तदंगभूता। तदंगत्वेन ततः पूर्वं क्रियमाणत्वेनैव प्रायोगिकत्वं। **मात्रया** यतिविषये किंचिल्लिख्यते। तत्र तावद्यतयश्चतुर्धा। कुटीचकबहूदकहंसपरमहंसभेदात्। तदुक्तं **विष्णुस्मृतौ**

"चतुर्धा भिक्षयेद् भिक्षां कुटीचकबहूदके। हंसः परमहंसश्च श्रेयश्चैषां यथोत्तरम् ॥
"एकदंडी भवेद्वाऽपि त्रिदंडी वाऽपि वा भवेत्। त्यक्त्वा सर्वसुखं स्वादं पुत्रैः स्वर्गसुखं रमेत् ॥
"अपत्येषु वसेन्नित्यं समस्तवपकृतं त्यजेत्। नान्यद्गृहेषु भुञ्जीत भुंजानो दोषभाक् स्मृतः ॥
"कामं क्रोधं च लोभं च त्यजेद्वात्सल्यमेव च। कुटीचकस्त्यजेत्सर्वं पुत्रार्थं चैव सर्वतः ॥
"भिक्षाटनादिकं सर्वं यतिः पुत्रेषु सन्यसेत्। कुटीचक इति ज्ञेयः परिव्राजकबान्धवः ॥
"त्रिदण्डो गुरवे चैव भिक्षाधारं तथैव च। सूत्रं तथैव गृह्णीयान्नित्यमेव समाहितः ॥
"प्राणायामेऽपि चरतो गायत्रीं सततो जपेत्। विश्वरूपं हरेन्नित्यं तथा च विजितेंद्रियः ॥
"इन्द्रियाणि मनश्चैव हर्षे हंसो विधीयते।
"कृच्छ्रैश्चांद्रायणैश्चैव तुलापुरुषसंज्ञकैः। संतोषो यस्य देहेषु आकांक्षन् ब्रह्मणः पदम् ॥
"यज्ञोपवीतं दंडं च वस्त्रं यच्च निषेवते। अपां परिग्रहो नान्यो हंसस्य परिचोदनात् ॥
"आत्मा दृष्टसमायुक्तस्त्यक्तसर्वपरिग्रहः। चतुर्थोऽयं महान् तेषां धान्यभिक्षुरुदाहृतः ॥

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१ ख-अन्यथा एककालभिक्षाचरणस्यैव द्विर्भोजननिषेधात्।

"त्रिदंडं दंडिकाश्चैव सर्वाण्येककपालिकम् । जन्तूनां वरणं वस्त्रं सर्वं भिक्षुरिदं त्यजेत् ॥
"कौपीनाच्छादनार्थं तु वासो भिक्षा परिग्रहम् । कुर्यात्परमहंसस्तु दंडमेकं च धारयेत्॥" इति

हारीतश्च

"कुटीचको बहूदको हंसश्चैव तृतीयकः । चतुर्थः परमो हंसो यो यः पश्चात्स उत्तमः ॥"

तदुक्तं **निर्णयसिंधौ** (पृ. ६९१)

"आद्यः पुत्रादिना कुटी कारयित्वा तत्र गृहे वा वसन्काषायवासाः शिखोपवीतत्रिदंडवान्बंधुषु स्वगृहे वा भुंजान् आत्मज्ञो भवेत् । एतदत्यंताशक्तपरम् । द्वितीयस्तु बन्धून्हित्वा सप्तागाराणि भैक्षं चरन्पूर्वोक्तवेषः स्यात् । हंसस्तु पूर्वोक्तवेषोऽप्येकदंडः "एकं तु वैणवं दंडं धारयेन्नित्यमादरादिति" **स्कान्दात्** । **विष्णुरपि**

"यज्ञोपवीतं दंडं च वस्त्रं जन्तुनिवारणम् । तावान्यपरिग्रहः प्रोक्तो नान्यो हंसपरिग्रहः ॥"

चतुर्थोऽपि **स्कांदे**

"परमहंसस्त्रिदंडं च रज्जुं गोवालनिर्मिताम् । शिखां यज्ञोपवीतं च नित्यं कर्म परित्यजेत्" ॥

अयमप्येकदंड एव । ये तु शिखोपवीतादित्यागनिषेधास्ते कुटीचकादिपराः । यत्तु **मेधातिथिः** "यावन्नरयुस्त्रयो दंडास्तावदेकेन वर्तयेदिति" तदपि तत्परमेव । **यच्चात्रिः** "चतुर्धा भिक्षवः प्रोक्ताः सर्वे चैव त्रिदंडिन" इति तद्वाग्दंडादिपरं न यष्टिपरं ।

"वाग्दंडोऽथ मनोदंडः कर्मदंडस्तथैव च । यस्यैते नियता दंडाः स त्रिदण्डीति चोच्यते ॥"

इति **मनूक्तेः** (१२।१०) । तस्मात्परमहंसस्यैक एव दण्डः । सोऽप्यविदुषः । विदुषस्तु सोऽपि नास्ति । "न दण्डं न शिखां नाच्छादनं चरति परमहंसः" इति **महोपनिषदोक्तेः** । ज्ञानमेवास्य दंड इति वाक्यशेषाच्च । यत्तु **यमः**

"काष्ठदंडो धृतो येन शर्वाशी ज्ञानवर्जितः । स याति नरकान्घोरान्महारौरवसंज्ञितानिति ॥"

तद्वैराग्यं विना जीवनार्थं संन्यासपरम् ।

"एकदंडं समाश्रित्य जीवन्ति बहवो नराः । नरके रौरवे घोरे कर्मत्यागात्पतन्ति ते ॥"

इति **स्मृतेः** । **यच्चाश्वमेधिके**

"एकदंडी त्रिदंडी वा शिखी मुंडित एव वा । काषायमात्रसारोऽपि यतिः पूज्यो युधिष्ठिरेति॥"

तस्यापि पूर्वोक्ता व्यवस्था ज्ञेयेति ।

ननु भवत्वेवं चातुर्विध्यं । परंतु संन्यासपदार्थः क इति चेत् । अत्र **याज्ञवल्क्यः**(प्रा.५६)

"वनात् गृहाद्वा कृत्वेष्टिं सार्ववेदसदक्षिणम् । प्राजापत्यं तदंते तानग्नीनारोप्य चात्मनि ॥
"अधीतवेदो जपकृत्पुत्रवानन्नदोऽग्निमान् । शक्त्या च यज्ञकृन्मोक्षे मनः कुर्यात्तु नान्यथा" ॥

एतदाश्रमसमुच्चयपक्षे । **जाबालश्रुतौ** त्वन्येऽपि पक्षा उक्ताः "यदि वेतरथा ब्रह्मचर्यादेव प्रव्रजेद्गृहाद्वा । अथ पुनरव्रती व्रती वा स्नातकोऽस्नातको वोत्सन्नाग्निरनग्निको वा यदहरेव विरजेत्तदहरेव प्रव्रजेदिति" । **अंगिराः**

"प्रव्रजेद्ब्रह्मचर्याद्वा प्रव्रजेच्च गृहादपि । वनाद्वा प्रव्रजेद्विद्वानातुरो वाऽथ दुःखितः ॥" इति । आतुरो मुमूर्षुः । दुःखितश्चौरव्याघ्रादिभीतः । एवं च सर्वं त्यक्त्वाश्रमादनाश्रमाद्वाऽऽश्रमं गच्छामीति संकल्पप्रैषोच्चारणाभयदानानि मुख्यसंन्यासः । यथा चैतत्तथाऽस्पष्टमुपनिषदि । नांदी-

मुखादिदंडग्रहणांतः क्रियाकलापोऽस्यांगभूत एव । एवं चोक्तसंकल्पाद्यतिरिक्तं दंडग्रहणादि कृताकृतं वेदितव्यम् । अत एवातुरस्य संकल्पादिमात्रात्फलं श्रूयते **जाबालोपनिषदि** । "यद्यातुरः स्यान्मनसा वाचा संन्यसेदेष पंथा ब्रह्मणहा नु वितस्तेनैति संन्यासी ब्रह्मविदित्येवमेवैष भगवन्निति।" अत्रातुरत्वेनोभयोः संग्रहः । **स्मृतिरपि**

"सन्यस्तमिति यो ब्रूयात्प्राणैः कंठगतैरपि । स भित्वा मंडलं भानोः परं ब्रह्माधिगच्छति ॥"

अत्रिर्भारते

"आतुराणां च संन्यासे न विधिर्नैव च क्रिया । प्रैषमात्रं समुच्चार्य संन्यासं तत्र पूरयेत्" ॥इति।

दत्तात्रेयः

"उत्पन्ने संकटे घोरे चोरव्याघ्रादिगोचरे । भयभीतस्य संन्यासमंगिरा मुनिरब्रवीत् ॥"

स्मृतिरपि

"आतुराणां विशेषोऽस्ति न विधिर्नैव च क्रिया । प्रैषमात्रस्तु संन्यास आतुराणां विधीयते ॥

"आपत्काले च संन्यासः कर्तव्य इति शिष्यते । जरया हि परीतेन शत्रुभिर्व्याधितेन च ॥

"संन्यस्तोऽहमिति ब्रूयात्सर्वर्गेषु त्रिषु क्रमात् । त्रीन्वारांश्च त्रिलोकात्मा शुभाशुभविशुद्धये ॥

"यत्किंचित् बाधकं कर्म कृतमज्ञानतो मया । प्रमादालस्यदोषाद्यत्तत्सर्वं संत्यजाम्यहम् ॥

"एवं संत्यज्य भूतेभ्यो दद्यादनयदक्षिणाम् ।

"पद्भ्यां कराभ्यां विहरन्नाहं वाक्कायमानसैः। करिष्ये प्राणिनां हिंसां प्राणिनः संतु निर्भयाः॥"इति।

अंगिराः

"षष्टिं कुलान्यतीतानि षष्टिमागामि कानि च । कुलान्युद्धरते प्राज्ञः संन्यस्तमिति यो वदेत् ॥

"एकरात्रोषितस्यापि यतेर्या गतिरुच्यते । न सा शक्या गृहस्थेन प्राप्तुं क्रतुशतैरपि ॥

"संन्यस्तमिति यो ब्रूयात्प्राणैः कंठगतैरपि । न तत्क्रतुशतेनापि प्राप्तुं शक्नोति मानवः ॥ "

कपिलः

"संन्यस्तमिति । सोक्षेपाल्लभते लोकान्पुनर्जन्म न विद्यते" । **मनुः** (६।३९)

यो दत्वा सर्वभूतेभ्यः प्रव्रजत्यभयं गृहात् । तस्य तेजोमया लोका भवंति ब्रह्मवादिनः ॥"इति ।

अत्रमात्रचापद्यविलंबित आतुरस्तदा प्रेषोच्चारणमेव कार्यं न संकल्पाभयदानेऽपीति सूचितम् । एवं च स एव मुख्यसंन्यासः । अन्यत्तु यथासंभवं कार्यं । एवं चाहिताग्निनाऽपि ईदृशे विषये एवमेव कार्यम् । अन्यदा तु प्रायश्चित्तेष्टिं तत्स्थाने पूर्णाहुतिं वा कृत्वा तत् कार्यं । ततोऽन्यथाकरणे तु भयभ्रष्टः पतितो भवेत् इत्यादि स्पष्टमन्यत्र ।

अथ **तत्संस्कारः स्मृत्यर्थसारे**

"सर्वसंगनिवृत्तस्य ध्यानयोगरतस्य च । न तस्य दहनं कार्यं नाशौचं नोदकक्रिया ॥ "

पुलस्त्यः

"कुटीचकं तु प्रदहेत्पूरयेत्तु बहूदकम् । हंसं जले विनिक्षिप्य परहंसं प्रकारयेत् ॥

"सपिंडनादि नैवेषां सर्वेषां स्मृतिशासनात् । अहन्येकादशे प्राप्ते पार्वणं श्राद्धमाचरेत् ॥"

अन्यत्र

"संन्यस्तानां मृते देहे नाशौचं नोदकक्रिया । पदे पदेऽश्वमेधस्य वाहकस्य फलं भवेत् ॥

"विष्णुबुध्या परित्यज्य स्नात्त्वा गच्छेद्गृहं ततः । आशौचबुद्ध्या स्नातश्चेदिक्षुयंत्रे व्रजेन्नरः"॥ इति।

वसिष्ठः

"चतुर्विधानं भिक्षूणां ज्ञातिबंधुसुतादिभिः । एकादशेऽन्हि कर्तव्यं श्राद्धं तेषां तु पार्वणम् ॥
"एकोद्दिष्टं जलं पिंडमाशौचं प्रेतसत्क्रियाम् । न कुर्यात्पार्वणादन्यद् ब्रह्मीभूतपरिव्रजे ॥"

सुमंतुः

"मासिकं नैव कुर्वीत सपिंडीकरणं न च । औरसः क्षेत्रजो वाऽपि भ्राता वा तत्सुतोऽपि वा ।
"कुर्यात्तु पार्वणं श्राद्धं शिष्यांतेवासिभूमिपाः । पिंडयज्ञं सुतः कुर्याद्दर्शश्राद्धं मृतेऽहनि ॥
"यतेर्महालये दर्शे तस्य वा मृतिवासरे । पार्वणं त्वितरेषां तु एकोद्दिष्टं तु वा भवेत् ॥"

स्कान्दे

"चतुर्थमाश्रमं गच्छेद् ब्रह्मविद्यापरायणः । एकदंडी त्रिदंडी वा सर्वसंगविवर्जितः ॥
"एकादशेऽह्नि संप्राप्ते यद्वा तु द्वादशेऽहनि । पार्वणेन विधानेन श्राद्धं कुर्यात्तदौरसः ॥
"नारायणबलिं कृत्वा पार्वणं श्राद्धमाचरेत् ।
"प्रत्यब्दे दार्शिकश्राद्धे तीर्थेष्वपि महालये । संबंधनामगोत्रेण श्राद्धकालेषु नित्यशः॥" इति।

यमः

"दंडग्रहणमात्रेण प्रेतत्वं नैव जायते । प्रेतत्वस्य विमोक्षार्थं षोडशश्राद्धिको विधिः ॥
"पिंडोदकं न चान्नादि क्षुत्तृष्णाविनिवृत्तये । सपिंडीकरणश्राद्धं पितृत्वप्राप्तये विधिः ॥
"अवस्थात्रयहानानां यतीनां द्वादशेऽहनि । श्राद्धाधिकारसिध्यर्थ्यं पार्वणं तु सुतश्चरेत् ॥"

नामगोत्रसंबंधरूपावस्थात्रयप्रच्युतानां यतीनां पूर्वसंबंधनामगोत्रोल्लेखेन क्रियमाणप्रत्यब्द-दर्शादिश्राद्धेषूद्देश्यत्वसिध्यर्थमित्यर्थः । **शातातपः**

"एकोद्दिष्टं जलं पिंडमाशौचं प्रेतसत्क्रियाः । न कुर्यात्पार्वणादन्यद् ब्रह्मीभूताय भिक्षवे ॥" इति ।

उशनाः

"एकोद्दिष्टं न कुर्वीत यतीनां चैव सर्वदा । अहन्येकादशे प्राप्ते पार्वणं तु विधीयते ॥
"सपिंडीकरणं तेषां न कर्तव्यं सुतादिभिः । त्रिदंडग्रहणादेव प्रेतत्वं नैव जायते ॥"

प्रचेताः

"एकोद्दिष्टं यतेर्नास्ति त्रिदंडग्रहणादिह । सपिंडीकरणाभावात्पार्वणं तस्य सर्वदेति ॥"
एवं च कुटीचकस्य दाहेऽपि तीर्थे भस्मास्थिप्रक्षेपांतं कार्यं नाग्रे उक्तहेतोरिति स्पष्टं **निर्णयसिंधौ**।

नन्वेवं भवतु उक्तस्थले उक्तवचनैस्तथा आतुरस्थले तु दाहादिसर्वं स्यात् । वचनाभावात् । अंत एव दंडग्रहणात्पूर्वं मृते तु दाहादिसपिंडनांतं सर्वं विधिना कार्यमेवेति **नारायणभट्टोक्तिस्तथा निर्णयसिंधूक्तिश्च** संगच्छते इति चेन्न । तथा सति तत्प्रतिपादकफलबोधकप्रागुक्तसकलवचनानर्थक्यापत्तेः । अत एव दंडग्रहणादेव त्रिदंडग्रहणादेवेति उपलक्षणं प्रैषोच्चारणस्य । अत एवैवमात्रपदयोः सार्थक्यं मिथोऽविरोधश्च । अन्यथा दंडग्रहणस्य सर्वांतत्त्वात्तदानर्थक्यं वचनयोर्मिथोविरोधश्च स्पष्ट एव । एतदभिप्रायैव **नारायणभट्टाद्युक्तिः** । **पौनरुक्त्यं**

तु न । उपसंहारपरत्वात् । अत एव संन्यासिनां तत्र कार्यमसंन्यासिनां तु तन्नियमेन कार्यं पुत्रादिभिः । प्रेतत्वविमोक्षार्थत्वात् । विपक्षे बाधकश्रवणाच्च । तथाहि

"यस्यैतानि न दत्तानि प्रेतश्राद्धानि षोडश । पिशाचत्वं स्थितं तस्य दत्तैः क्रतुशतैरपि ॥" इति

विज्ञानेश्वरायुक्तिः संगच्छते । अत एव शिष्टसमाचरोऽप्यनुगृहीतो भवतीति दिक् ॥ ६० ॥

याज्ञवल्कीये ६१ श्लोकः ।

उत्तरप्रकरणसंगत्यर्थमा**हैवमिति** । एवं कुर्वतः फलं कथयन्नित्यादिः । **आत्मैवेति** । वक्ष्यमाणेत्यादिः । निरोधस्य सावधिकत्वादाह । **रूपादीति** । वक्ष्यमाणमाह । **द्वैतेति** ॥ ६१ ॥

याज्ञवल्कीये ६२ श्लोकः ।

किंचेति । अन्यमपि नियमविशेषमाहेत्यर्थः । एवमग्रेऽपि बोध्यम् । योगशास्त्रपरिभाषया **आशयों**ऽतःकरणम् । तच्छुद्धेर्बीजमाह । **विषयेति** । साकांक्षत्वादाह । **प्राणेति** । **तस्याः** फलमाह । **तस्या इति** । ज्ञानं न यत्किंचिदित्याह । **आत्मेति** । ज्ञानस्योत्पत्तिं प्रतिनिमित्तत्वादित्यर्थः । ननु न तावन्मात्रेण ज्ञानोत्पत्तिर्दृश्यते अत उक्तं । **स्वातंत्र्येति** । स्वातंत्र्यं न प्रवृत्तिविषयविरोधादित्याह । **एवं सतीति** । अंतःकरणशुद्धौ सत्यामित्यर्थः । **सक्तीति** । सक्तिश्च **तज्जन्यदोषाश्च** । तदात्मकेत्यर्थः । **भिक्षुकेण** यतिना । **विशेषत** इत्यनेन धर्मादिप्रधानानामन्येषामपि तत्सत्ता सूचिता । **ध्मायेति** । अग्निसंयुक्तानामित्यर्थः । **दोषा** विप्रपदर्शनप्रीत्यादयः ॥ ६२ ॥

याज्ञवल्कीये ६३।६४ श्लोकौ ।

संगतिमा**हेंद्रियेति** । **वैराग्येति** । इंद्रियनिरोधार्थमित्यर्थः । **आदिना** विहिताकरणादि । अवेक्ष्या इत्यस्याग्रेऽप्यनुषंगो यथासंभवम् । **अविद्यादयो** व्याख्याताः प्रारंभे । **अभीति** तेनाक्रमणरूप इत्यर्थः । अयं जरापदार्थः सहस्रशब्दोऽनंतपर इत्याह । **तथा श्वेति** । प्रियेति व्याचष्टे । **तथेति** । तात्पर्यार्थमाहेत्यादीति । अनेन मूलमुपलक्षणमिति सूचितं ।

तस्याप्यर्थमाहा**ऽऽत्मैकेति** । **तस्या एव** । चित्तवृत्तेरेव । एवं च ध्यानरूपो योग

मि. पृ. २०३ इत्यर्थस्तदाह । **निद्दीति** । **आदिनें**द्रियादिपरिग्रहः । **क्षेत्रज्ञः** जीवः । वाक्यार्थस्यात्र कर्मत्वमित्याह । **इत्येवमिति** । अत एव निदिध्यासनस्य दर्शनसाध्यत्वादेव । **इतीति** । इति विहितेत्यर्थः । पुरोवर्तित्वादेव तस्य तज्ज्ञमिति भावः ॥ ६३ ॥ ६४ ॥

याज्ञवल्कीये ६५ श्लोकः ।

प्राक्तनेति । अव्यवहितेत्यादिः । **हेरर्थो यस्मादिति** । तदर्थोऽसाविति । तात्पर्यार्थमाह । **यातीति** । **अत** इत्यपरार्थ**स्तस्मादिति** । अविरोधायाह । **अनेनेति** । पद्येनेत्यर्थः । आपेति तत्कारकत्वेनेत्यर्थ । **तस्यापि** । आश्रमस्यापि । मूलार्थे संमतिमाह । **तदुक्तमिति** । **दूषितोऽपि**[1] कटकाद्याभरणैः । **धर्मं** यतेर्यद्विहितमात्मोपासनादि तच्चरेत् । यत्र तत्र कुत्र-

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[1] इदमसमीचीनम् । दूषितोऽपि आश्रमविरुद्धाचारदूषितोऽपि इति युक्तम् । भूषित इति पाठस्य सर्वा विरुद्धथत्वात्।

चिदाश्रमविहितमपि धर्मं चरेत् त्रिदंडादिलिंगधारणमात्रेणात्मानं कृतिनं न मन्येतापि तु 'समः सर्वेषु भूतेषु स्यात्' । रागद्वेषादिपरिहरेदित्यर्थः ॥ ६५ ॥

याज्ञवल्कीये ६६ श्लोकः ।

अनपकारिण्यसंभवादेवाहापेति । **आदिना** शरीरं । **प्रचेति** प्रचलितमुद्विग्नं यच्चित्तं तस्येत्यर्थः । संयतेंद्रियतायाः पृथगुक्तेराह । **मदेति** । प्रतिषिद्धे प्रतिषेधादेवाप्रवृत्तिरत आह । **अप्रतीति** । अयं सर्वः प्रागुक्तो धर्म एव धर्मसाधनत्वादुदाहृतः । शास्त्रे कथित इत्यर्थः । तात्पर्यार्थमाहैतैरिति । तस्यापि तात्पर्यमाह । **अनेनेति** । धारणरूपं यद्बाह्यलक्षणं तस्मादित्यर्थः ॥ ६६ ॥

याज्ञवल्कीये ६७ श्लोकः ।

तत्त्वे बीजमाहाऽऽत्मेति । नेदं परमार्थत इत्याह । **यद्यपीति** । अस्य श्लोकस्य प्रधानांशोपपादकत्वसंभवे प्रधानांशमात्रोपपादकत्वं न युक्तमत आह । **यद्वेति** । **क्षेत्रज्ञेति** । मि. पृ. २०४. जीवानामित्यर्थः । नन्वेवं वेदानुपपादनात्कथं दृष्टांतसंगतिरत आह । **तैजसस्येति** । ॥ ६७ ॥

याज्ञवल्कीये ६८ श्लोकः ।

कर्मवशादियुक्तमत्युक्तमिति शंकते । **ननु चेति** । **क्रियाभाव** इत्यत्राकारप्रश्लेषः । **धर्मेति** । तयोरध्यवसायो निश्चयस्तदात्मकमित्यर्थः । नन्वेवमपि तदनुपयोग्येवात आह । **तस्य चेति** । उक्तमानसकर्मण इत्यर्थः । **विशिष्टेति** । विजातीयेत्यर्थः । वाक्यार्थमाहै**वमिति** । **समस्तं** तत्र जन्मनीत्यादिः । आत्मेत्यंतं । स्वर्थमाहै**वेति** । तस्य व्याख्या**न्वयेति** । तस्यैव विवरणं **स्तन्येति** । तर्हि कथं प्रवृत्तिरत आह । **प्रागिति** । **भाविता** निष्पादिता । **अनुभाव** उद्बोधः । धर्मश्चाधर्मश्च तदुभयं च तद्रूपमित्यर्थः । चरमे संमतिमाह । **तथा चेति** । उपसंहरति । **एवमिति** । ॥ ६८ ॥

याज्ञवल्कीये ६९ श्लोकः ।

एवं सति । तत एवप्रभवे सति । **कथंचिदुपाधितः** । **तस्य च** ब्रह्मणः । **इति** । इत्यादि । **सत्यमिति** । अजातेऽस्यान्वयः । तदुक्तानुवादस्तावानग्रे समाधिः । **प्रपंचो** विस्तारः । **निमित्त**शब्दः कारणमात्रपर इत्याह । **अविद्येति** । तत्तात्पर्यमाह । **न पुनरिति** । तत्राग्रिमं हेतुगर्भमित्याह । **यस्मादिति** । अग्रेऽप्येवमेवेत्याह । **नन्वित्यादिना** । मोहरूपस्य विकारस्य। **आरंभेति** । यत इत्यादिः । एतेन सांख्यमतनिरासः । अग्रेऽप्येवामित्याह । **यस्मादिति** । आदिना कर्मपरिग्रहः । एवमन्वयमुखेनोक्तदार्ढ्याय व्यतिरेकमुखेनाह । **न ह्यति** । उपसंहरति । **तस्मादिति** । बृहबृहि वृद्धौ । नन्वेमप्यगुणस्य कथं कर्तृत्वमत आह । **न चेति** । **एतावता** तच्छक्तिसंबंधावश्यकत्वेन । **तादृगिति** तस्यास्तादृक् रूपत्वे इत्यर्थः । **वचनीयं** वाच्यम् । प्रागुक्तमुपसंहरति । **तस्मादिति** । पूर्वपक्षस्यैवानुवादः । **अत इति** । समाधत्ते । मि. पृ. २०५. **तथापीति** । ननु तदेव कथमित्यत आह । **शरीरेति** । सर्गादावित्यस्यार्थः ॥ ६९ ॥

याज्ञवल्कीये ७० श्लोकः।

सृष्टीति। **भवन्तीति**। अवस्थांतरयोगितयेति भावः। **तान्** आकाशादीन्। अत्राकाशादिक्रमो गुणानुरोधेनोक्तः। श्रुतिरप्येवम् "एतस्मादात्मन आकाशः संभूत" इति॥ ७०॥

याज्ञवल्कीये ७१ श्लोकः।

साकांक्षत्वादाह। **यजेति**। आहुतौ कर्मणि क्तिनित्याह। **पुरोडेति**। **रसादिति** सूर्यविशेषणम्। **अथेत्यस्यार्थस्तत इति**। **तच्च** औषधिरूपं च। अन्यथा असंभवादाह। **सेवीति**। साक्षादप्यसंभवादाह। **रसेति**। शुक्रग्रहणमुपलक्षणमित्याह। **शुक्रेति**॥ ७१॥

याज्ञवल्कीये ७२ श्लोकः।

शंकाया एतावता समाधेराह। **तत इति**। **इत्याह**। इत्यत आह। अन्यदा निषेधादसंभवाच्चाह। **ऋत्विति**। संयोगे सतीति शेषः। एवमग्रेऽपि। समाहारद्वंद्वमाह। **शुक्रं चेति**। एतेन द्विवचनमित्यपास्तमनन्वयापत्तेः। संयोग इत्यस्यात्रापि कर्मयत्रंततयाऽन्वय इत्याह। **परस्परेति**। **अबीजानि** दुष्टानि। अन्वयायाह। **स्थित्वेति**। **अभिसृष्टं** मिश्रितम्। **भूतात्मा** प्रागुक्तः। तस्य स्थिरत्वादाह। **वायुनेति**॥ ७२॥

याज्ञवल्कीये ७३। ७४ श्लोकौ।

उभयेति। इंद्रियद्वयेत्यर्थः। हृत्स्थ एवात्र नेत्याह। **प्राण इति**। **वृत्तीति**। तत्तत्स्थाने इति भावः। **तस्यानादेरित्यस्य** क्रमेणार्थद्वयं आत्मजानितं आत्मीयजनितं तदाह। **प्रागिति**॥ ७३॥ ७४॥

मि. पृ. २०६

याज्ञवल्कीये ७५ श्लोकः।

अनुवृत्त्या आह। **असाविति**। एवव्यवच्छेद्यमाह। न **कठीति**। ननु कारणाभावात्कथं तत्वमत आह। **अयमिति**। **भूतजातं** भूतसमूहरूपम्॥ ७५॥

याज्ञवल्कीये ७६। ७७। ७८ श्लोकैः।

शीतं जलम्। **उष्णमग्निः**। तस्याप्यर्थं विवक्षितमाह। **सूक्ष्मेक्षीति**। आदिग्राह्ये मानमाह। **आकाशादिति**। करणल्युटा आह। **स्पर्शेंद्रियमिति**। एवमग्रेऽपि। तयोः समानधर्मत्वे प्रकृतोपयोगिनमाह। **तेजस इति**। चार्थतुसंग्राह्यमाह। **तथेति**। तत्र मानमाह। **शौर्येति**। स्वस्मिन् शैत्यासंभवादाह। **अंगानामिति**। **तृतीये इति** पूर्वान्वयि। **अजत्वं** च वास्तवमित्याह। **सर्वमिति**। तदर्थमाहैतदिति। प्रागुक्तमित्यर्थः। तत इत्यस्य व्याख्या **चतुर्थे इति**॥ ७६॥ ७७॥ ७८॥

याज्ञवल्कीये ७९ श्लोकः।

मि. पृ. २००

दोषमेवाह। **वैरूप्यमिति**। **तत्द्वौहृदमिति**। तत्रार्थे द्वौहृदशब्दः। पृषोदरादित्वात्साधुः। चामुंडावत् दोषो न भिन्न इत्याह। **विरूपेति**। "**तस्मादि**"त्यस्यार्थस्त**द्दोषेति**। उपलक्षणमिदमित्याह। **गर्भेति**। प्रसंगादन्यदप्याह। **तथेति**। **व्यवायो** मैथुनम्। **अतितर्पणम्**। अतिभोजनादि। **वेगौ** मूत्रपुरीषादिः। **कुक्कुटासनम्**। द्वाभ्यां पादाभ्यामेवाव-

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१ ब्रह्मवल्ल्यां १।६

स्थानम् । तत्रैव सुश्रुते एव । अनुबंधो मेलनम् ॥ ७९ ॥ ८० ॥

याज्ञवल्कीये ८१ श्लोकः ।

पूर्वत्र वायुः साधारणो धातुभिन्नः ॥ ८१ ॥

याज्ञवल्कीये ८२ श्लोकः ।

धात्रीं मातरम् । पुनरिति वीप्सा । गर्भमित्याह । पुनरिति । प्रार्थमाह । शीघ्रमिति ॥ ८२ ॥

याज्ञवल्कीये ८३ श्लोकः ।

मि. पृ. २०८ यंत्रपदार्थमाह । स्नाय्वस्थीति । ज्वर उपलक्षणमित्याह । दुःसहेति । तदनंतरं मनूक्तमाह । अतीति । दशे पटले ॥ ८३ ॥

याज्ञवल्कीये ८४ श्लोकः ।

शिखी वह्निः । स एव रक्तरूप एव । ननु एवं ततः प्राक्तनान्नरसेनापि प्रकारांतरत्वापत्तिरत आह । अन्नेति । भेदाभावादाहरंभेति । मुख्यमत्र न त्वक्त्वमित्याह । त्वगिवेति । उत्तमांगं शिरः । गात्रमवशिष्टं शरीरम् । तस्य स्वरूपज्ञानायाहोपरीति ॥ ८४ ॥

याज्ञवल्कीये ८५ श्लोकः ।

तामेव षट्श्लोकीमाह । स्थालैरित्यादि । नखमस्त्रियाम् । चेन संख्यासमुच्चय इत्याह । विंशतिरेवेति । तेषामित्यत्रैकशेषेण द्वयोरपि ग्रहणमित्याह । नखानामिति । यथोक्तमुपसंहरति । इत्येवमिति ॥ ८५ ॥

याज्ञवल्कीये ८६ श्लोकः ।

अस्थिविशेषणत्वात् षष्ठीत्यत्र नपुंसकत्वम् । अरत्निकेत्यत्र प्रमाणे कनित्याह । बाह्वोरिति ॥ ८६ ॥

याज्ञवल्कीये ८७ श्लोकः ।

मि. पृ. २०९ समुद्भवे इति द्विवचनांतमस्थिविशेषणम् । अग्रे समाहारद्वंद्वेन द्वयं सप्तम्यन्तम् ॥ ८७ ॥

याज्ञवल्कीये ८८।८९ श्लोकौ ।

अर्बुदशब्दो नात्रसंख्यापर इत्याह । अस्थीति । मध्येति बहुव्रीहिः ॥ ८८ ॥ ८९ ॥

याज्ञवल्कीये ९० श्लोकः ।

उपसंहरति पूर्वोक्तैरिति ॥ ९० ॥

याज्ञवल्कीये ९१ श्लोकः ।

शरीरस्वरूपकथनानंतरं तत्रैवाकांक्षया विषयाश्चक्षुरादीनि चोच्यंते इत्याह । सवीति । उक्तार्थभावे बीजमाह । विषया इति । अवधेः शेषत्वविवक्षया षष्ठीत्याहेत्यस्येति । इंद्रियाणामतींद्रियत्वेन तत्सत्वेऽनुमानं प्रमाणमाहैतैश्चेति । अत एव तानुक्त्वै वैतान्युक्तानि । तत्र संबंधमाह । बोध्यत्वेनेति । संवित् ज्ञानम् ॥ ९१ ॥

याज्ञवल्कीये ९२ श्लोकः ।

मि. पृ. २१०. पादौ चेति प्रसिद्धावित्यर्थः । तत्सत्वे मानमाह । युगपदिति ॥ ९२ ॥

याज्ञवल्कीये ९३ श्लोकः ।

समानेति । समाननाम्नोऽपीत्यर्थः । अपिनाऽन्यस्य सर्वस्य समुच्चयः । एतेनैतेषां प्राणा-[1]यतनत्वेपानादीनामच्छेदापत्तिरित्यपास्तम् ॥ ९३ ॥

याज्ञवल्कीये ९४ श्लोकः ।

लाघवार्थं व्युत्क्रमेण व्याचष्टे । नाभिरित्यादि । तौ अवहननप्लीहाख्यौ । अत एव तद्वि-वरणादेव । एतेन पौनरुक्त्यं परिहृतम् ॥ ९४ ॥ ९५ ॥

याज्ञवल्कीये ९६-९७-९८-९९ श्लोकाः ।

मुष्कौ अंडौ ।

"अवटः स्यात् बिले गर्ते कूपे कुहकजीविनि । अवटुः कथिता घाटा कूपगर्तेषु सूरिभिरिति" विश्वः । वर्णशब्द आच्छदकपर इत्याह । यद्वेति । शरीरके । कुत्सिते कनित्याशयेनाह । कुत्सित इति । पदार्थोक्त्यनंतरं वाक्यार्थमाहैवमिति । तान्येवेति व्याचष्टे । तथेति ॥ ९६ ॥ ९७ ॥ ९८ ॥ ९९ ॥

याज्ञवल्कीये १०० श्लोकः ।

नन्वेवं कथं तत्वमत आह । नानेति ॥ १०० ॥

याज्ञवल्कीये १०१ श्लोकः ।

जानीतेत्युक्तेराह । हे सामेति ॥ १०१ ॥

याज्ञवल्कीये १०२ श्लोकः ।

अस्थ्नामिति शेषस्य फलमाह । स्नाय्विति । आदिना रोमादिपरिग्रहः ॥ १०२ ॥

याज्ञवल्कीये १०३-१०४ श्लोकौ ।

केवलानामसंभवादाह । पूर्वोदितेति । स्वेदायनैरित्यस्यार्थः । स्वेदेति । संस्थिते भावे मि. पृ. २१२. क्त इत्याह । संस्थानेति । एकार्थमाह । महानीति । तात्पर्यार्थमाह । अत इति ॥ १०३ ॥ १०४ ॥

याज्ञवल्कीये १०५-१०६-१०७ श्लोकाः ।

अविरोधायाहैतच्चेति । इतीत्यस्य व्याख्याद्वयं एतदर्थमाह । शुचीति । शेषमाह । बुद्धिरिति । एवमग्रेऽपि । अत एव शरीरकं । अंतः मांसादि तद्रक्षणार्थं समागतान्श्वादेरित्या-शयः । तात्पर्यार्थमाह । तस्मादिति ॥ १०५ ॥ १०६ ॥ १०७ ॥

याज्ञवल्कीये १०८-१०९ श्लोकौ ।

अत एवौचित्यादाहोपेति । अभिः सर्वतोभावे । तदाह कथंचेति । न्यूनतां निराचष्टे

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१ ख-पावानादीनां ।

मि. पृ. २१३. **अपरा इति**। ततोऽन्या इत्यर्थः। सामान्यदीपस्य तत्वासंभवादाह। **निवातेति**। तस्य न सामान्यतः ज्ञानमुपयोगीत्याहैव**मिति**। पूर्वोक्तत्वात्तच्छब्देन तथैव परामर्श इति भावः। तत्राग्रिमं हेतुरित्याह। **यत इति**। चार्थतुसूचितमाहा**मृतत्वं चेति** ॥ १०८ ॥ १०९ ॥

याज्ञवल्कीये ११० श्लोकः।

योगमित्यस्यार्थमाह। **चित्तेति** ॥ ११० ॥

याज्ञवल्कीये १११ श्लोकः।

तस्स्वरूपं दाढर्यायानुवदति। **योऽसाविति**। दृष्टांतसूचितमाहै**तद्देवेति** ॥ १११ ॥

याज्ञवल्कीये ११२ श्लोकः।

यथाविधानेनेत्येकपदस्यार्थमाह। **स्वाध्येति**। गायमिति भिन्नं पदं तदर्थमाह। **गानमिति**। कर्मणि ल्युट्। तदेवाह। **साम्न इति**। तदभ्यासेति न तत्प्राप्तौ हेतुरित्याह। **तत्रेति**। शब्दब्रह्मोपासने इत्यर्थः। **तदुक्तमिति**। **वैष्णवे** इति भावः। "द्वे ब्रह्मणी वेदितव्ये शब्दब्रह्म परं च यत्" इत्यस्य पूर्वार्द्धः। एतन्मूलभूता श्रुतिरपि **मुंडके** प्रसिद्धा (१।४) "द्वे विद्ये वेदितव्ये इति ह स्म यत् ब्रह्मविदो वदंति परा चैवापरा चैवेत्यादि" ॥ ११२ ॥

याज्ञवल्कीये ११३-११४-११५ श्लोकाः ॥

तासु उभयरूपासु प्रसिद्धत्वात्तालस्वरग्रहणमनुपयोगादित्याह। **ताल इति**। नन्वेवं कथमप्रयासोऽत आह। **तालादीति**। तथा नञल्पार्थक इत्याह। **अल्पेति**। ॥ ११३ ॥ ११४ ॥ ११५ ॥

मि. पृ. २१४.

याज्ञवल्कीये ११६ श्लोकः।

अनुचरत्वं न यथाकथंचित् तेनैव सहेत्युक्तेरत आह। **सचिव इति** ॥ ११६ ॥

याज्ञवल्कीये ११७ श्लोकः।

अनादित्वे हेतुमाह। **प्रागुक्तेति**। कुत्रेत्याशंकायामाह। **अज इति**। जीवात्माऽत्र नेत्याह। **परेति**। अग्रे जगत् न प्रागुक्तमित्याह। **तदुदिति**। अत्रात्मा जीव एवेत्याह। **जीवानामिति**। स्वतस्तत्वाभावादाह। **स्थूलेति**। बहुव्रीहिः। केनेत्याशंकायामाह। **सर्गादाविति** ॥ ११७ ॥

याज्ञवल्कीये ११८ श्लोकः।

अग्रिमसर्वावतरणमाह। **एतद्देवेति** ॥ ११८ ॥

याज्ञवल्कीये ११९-१२० श्लोकौ।

मुनिभिः सामश्रवःप्रभृतिभिः। **आह**। **योगीति** शेषः। इत्यर्थमाह। **तद्ब्रुवतीति**। प्रसिद्धिरिति भावः। सहस्रशब्दोऽनंतपर इत्याह। **अनेकेति**। तत्साहचर्यादेवाह। **अनेनेति**। अत एवाह। **बह्विति**। **कं** मस्तकम्। ननु तस्य *निरवतवत्वात्कथमिदमत आह। **एतच्चेति**। इत्यर्थमाह।

* पर्वं मूले।

यत इति । अत्राग्निं हेतुरित्याह । यस्मादसौ इत्यस्यार्थः । असाविति । विराजो ब्रह्मणः पुरोडाशाद्यन्नात्मकं यद्रूपं तेनेत्यर्थः ॥ ११९ ॥ १२० ॥

याज्ञवल्कीये १२१।१२२।१२३।१२४ श्लोकाः ।

द्रव्यदेवतयोस्त्याग इति नार्थ इत्याह । द्रव्यस्येति । त्यागात्संभूतत्वं नार्थ इत्याह । य इति । उत्तम इत्यस्यार्थः सकलेति । समर्थः सम्यगिति । अनिष्टनिरासायाह । अभीति । योग्यतया शेषमाह । प्रेर्येति । तत इत्यस्यार्थः । शशीति । सौरं धामेत्यस्यार्थो भान्विति । विहितमित्यस्य तैः । योषितमित्यर्थे श्रुतिविरोधोऽत आह । सैषेति । सूर्यमंडलरूपेत्यर्थः । ततः तन्मयात् । अमृतपदार्थो रसमिति । उत्तमत्वमेवाह । यदिति । धातूनामनेकार्थत्वाद्गत्यर्थकत्वेनाह । चरेति । कर्तरि ल्युडिति भावः । जन्मेत्यस्य लक्ष्यार्थमाह । जननेति । तस्मादित्यस्यार्थो वृष्टीति । भंग्या रीत्या । अनाद्यंतमित्यस्यार्थः । प्रवाहेति । उक्तप्रश्नोत्तरमुपसंहरति । इत्यनेनेति ॥ १२१ ॥ १२२ ॥ १२३ ॥ १२४ ॥

याज्ञवल्कीये १२५ श्लोकः ।

तत्र च जगदुत्पत्तौ अनादिरात्मेति हेतुगर्भमित्याह । यद्यपीति । अंतरेत्यस्य व्याख्या । मि. पृ. २१६ शरीरेति । योग्यतया आह । शरीति । तदर्थमाह । भोगेति । शरीरे इत्यर्थः । समाधिमुपसंहरति । तस्येति । समवायस्येत्यर्थः ॥ १२५ ॥

याज्ञवल्कीये १२६।१२७।१२८ श्लोकाः ।

स्वतस्तत्वासंभवादाह । सकलेति । अत एव सहस्रपद्मनेकपरमित्याह । बह्विति । तस्यानादित्वादाह । तथा सकलेति । व इत्यस्य व्याख्या युष्माकमिति ॥ १२६ ॥ १२७ ॥ ॥ १२८ ॥

याज्ञवल्कीये १२९ श्लोकः ।

अत्रेति । सामश्रवःप्रभृतय इत्यर्थः । एवमित्यस्यार्थ आत्मैवेति । आदिना प्रपंचः ॥ ॥ १२९ ॥

याज्ञवल्कीये १३० श्लोकः ।

मि. पृ. २१७ शंकोत्तरमाह । किंचेति । तथा पूर्ववत् । पूर्वपक्षमुपसंहरति । तस्मादिति ॥ १३० ॥

याज्ञवल्कीये १३१ श्लोकः ।

तत्र तयोर्मध्ये । भवेत्यस्योत्पत्तेः स्थानानां शतानीत्यर्थः । शतशब्दोऽनंतपरस्तदाह । जन्मेति ॥ १३१ ॥

याज्ञवल्कीये १३२ श्लोकः ।

किंचेति । उक्तमुत्तरं पोषयतीत्यर्थः । सत्वेति । इतराभिभवपूर्वकं स्वावस्थानमित्यर्थः । तत्कार्याणि । भावकार्याणि ॥ १३२ ॥

याज्ञवल्कीये १३३ श्लोकः।

प्रेत्य मृत्वा। तत्फलितमाह। **देहान्तरे इति। आदिना** "शुष्यत्सस्यसंजीवनकामः कारीर्या यजेतेति" हि विधिः। वृष्टिस्तु तन्मूर्त्याद्युक्ता "चित्रया यजेत पशुकामः"। **अत्र च**। अत्र तुतदर्थमाह। **कर्मणामिति**। प्रयोजनशब्दः कर्तृल्युट् प्रत्ययांत इत्याह। **प्रयोजकेति** ॥१३३॥

याज्ञवल्कीये १३४ श्लोकः।

तेषामन्यथाध्यानं न विवक्षितमित्याह। **परेति**। अभ्यर्थमाह। **अभीति**। अत्राप्यन्यथा नेत्याह। **करोति** ॥ १३४ ॥

याज्ञवल्कीये १३५।१३६ श्लोकौ।

मि. पृ. २१८ **किंचेति**। प्रपंचोत्तरमाहेत्यर्थः। एवमग्रेऽपि बोध्यम्। णिन्यर्थमाह। **शील इति** ॥ १३५ ॥ १३६ ॥

याज्ञवल्कीये १३७ श्लोकः।

आहेति। श्लोकत्रयेणेति भावः। मुख्यात्मज्ञत्वमविवक्षितमित्याह। **विद्येति**। अविनिगमकत्वादाह। **बाह्ये। अर्थेषु**। विषयेषु। धर्मशब्देनात्र काम्यस्याग्रहणमित्याह। **नित्येति**। **विद्याशब्देनात्र** तदर्थ इत्याह। **वेदार्थेति** ॥ १३७ ॥

याज्ञवल्कीये १३८।१३९ श्लोकौ।

अधीर इत्यस्य व्याख्या **व्यग्रेति**। **आरंभी**त्यस्य व्याख्या **सदेति**। विषयीत्यस्य व्याख्या **विषेति** ॥ १३८ ॥ १३९ ॥

याज्ञवल्कीये १४० श्लोकः।

उपसंहारमाहेती**श्वर इति** ॥ १४० ॥

याज्ञवल्कीये १४१ श्लोकः।

मि. पृ. २१९ ज्ञानेत्येस्याधिकरणस्य शेषत्वविवक्षया षष्ठीत्याह। **अवबोधे इति**। एवं प्रागपि ॥ १४१ ॥

याज्ञवल्कीये १४२ श्लोकः।

प्रकाशत्वात् तद्रूपत्वात् ॥ १४२ ॥

याज्ञवल्कीये १४३ श्लोकः।

यदुक्तमिति। तृतीयशंकेत्यर्थः। सर्वः आत्मादिरूप आश्रयो यस्यास्तां तदाह। **अध्यात्मेति**। सर्वदेहो न विवक्षित इत्याह। **स्वेति**। न चाप्नोति वेदनामिति तुर्यपादं व्याचष्टे। **न देहांतरेति**। वेदनामाप्नोतीति शेषः। द्व्यर्थं चसूचितमाह। **भोगेति**। **आरंभेति**। आरंभकादृष्टेत्यर्थः। **चस्त्वर्थे** इत्याह। **यस्त्विति**। वास्तवमुक्तत्वं नेत्याह। **मुक्तेति**। सर्वासामित्यस्यार्थमाह। **सकलेति**। शेषमाह। **वेदितेति** ॥ १४३ ॥

याज्ञवल्कीये १४४ श्लोकः।

आत्मनि सतीति शेषः। **अपारेति**। सर्वथेत्यादिः। मतद्वयस्यापि **उत्तरमीमांसायां प्रतिपादित्वात्** ॥ १४४ ॥

याज्ञवल्कीये १४५ श्लोकः ।

त्याहेति । दार्ढ्यायेति भावः । भूश्चेति । प्रसिद्धेत्यर्थः । इत्यर्थः । एते इति । आरोपितं धातुत्वमित्याह । वातेति । तत्र तेषां मध्ये ॥ १४५ ॥

याज्ञवल्कीये १४६।१४७।१४८ श्लोकाः ।

त्रितयमुपलक्षणमित्याह । चीवरेति । एवमग्रेऽपि । करणजातं करणसमूहं । वायुकिः मि. पृ. २२० इतरापेक्षा । प्राग्वदत्र नेत्याह । केवलमिति । मार्गार्थोऽयम् । रूप्यते इति रूपं । तदाह होमेति । एवमर्थस्तथेति । चार्थोऽपीति । कारणानीत्यस्यार्थः पृथ्वीति । संभूत्येत्यस्यार्थः परस्परेति । हेत्यस्यार्थोऽस्मिन्निति । प्राग्वदाह । निजेति । ॥ १४६ ॥ १४७ ॥ १४८ ॥

याज्ञवल्कीये १४९ श्लोकः ।

अन्यथेत्यस्यार्थो यदीति । तदाकारमाह । यथाऽयमहमिति । ॥ १४९ ॥

याज्ञवल्कीये १५० श्लोकः ।

पूर्वार्धः ।

संश्रुतामित्यत्र मतिबुद्धीति वर्तमाने क्त इत्याह । श्रूयेति । अनेन पुनरित्यस्य व्यवहितसंबंधः सूचितः । यथाश्रुते दोषाभावादाह । तस्येति । ॥

याज्ञवल्कीये १५० उत्तरार्धः १५१ श्लोकौ ।

युक्त्यंतरमप्याह । किंचेति । ये गत्यर्थास्ते ज्ञानार्था इत्याह । अनुभूतेति । स्वप्नपदं मि, पृ. २२१. तज्ज्ञानपरमित्याह । स्वप्नेति । लक्ष्यार्थमाहोपभोगेति । उपसंहरति । तस्मादपीति । ॥ १५० ॥ १५१ ॥

याज्ञवल्कीये १५२ श्लोकः ।

विभ्रूण्वन्निति । अनेन पौनरुक्त्यं निरस्तम् । साकांक्षत्वादाह । योऽसाविति । विषयसप्तमी । मत्यपेक्षयाचार्थवाग्रेमाह । तयेति । ह्यर्थमाहैवेति । ॥ १५२ ॥

याज्ञवल्कीये १५३ श्लोकः ।

साकांक्षत्वादाह । तस्येति । दारेत्याद्युपलक्षणमित्याह । आदय इति । 'सहेत्यस्यैव व्याख्या विप्लुतेति । उद्देश्यमिदम् ॥ १५३ ॥

याज्ञवल्कीये १५४।१५५ श्लोकौ ।

प्रकृतिस्वरूपमाह । आत्मन इति । अनाशके भावे ण्वुलित्याह । अनशनेति । प्रवेशस्योभयत्रान्वयः । इदमुपलक्षणमित्याह । विशेषेति । विप्लवो दोषः । वृत्त इत्यस्य मि. पृ. २२२ व्याख्या नाना । वितथेत्यस्यार्थोऽसदिति । कर्मणेति जातावेकवचनमित्याह । तत्कृतेति । साक्षात्तदसंभवादाह । शरीरेति । ॥ १५४ ॥ १५५ ॥

याज्ञवल्कीये १५६।१५७।१५८।१५९ श्लोकाः ।

विस्रंभो बंधमोक्षः । वेदशब्दोऽत्र योग्यतया वेदांतपरः । एवं शास्त्रमपि पातंजलाद्य-वेत्तदाह । वेदांतेति । आदिना योग्युक्तपरिग्रहः । षष्ठ्यर्थमाह । प्रतीति । निद्रेति । तत्सदृशीत्यर्थः । व्यर्थो विशेषणेति । परामर्शो विचारः । प्राग्वदाह । बाह्यांतरीति ॥ १५६ ॥ ॥ १५७ ॥ १५८ ॥ १५९ ॥

याज्ञवल्कीये १६० श्लोकः ।

तत्त्वमात्सेत्याहात्मेति । हेतुरयमपि । कर्मशब्दोऽत्रबीजपरः पूर्वान्वयीत्याह । कर्मेति ॥ १६० ॥

याज्ञवल्कीये १६१ श्लोकः ।

किंचेति । गत्यंतरमप्याहेत्यर्थः । नन्वेवमपि नार्थसिद्धिर्जातसाधननैष्फल्यं चात आह । तदिति । ॥ १६१ ॥

याज्ञवल्कीये १६२ श्लोकः ।

इत्याह । इत्यत आह । नानारूपेत्यादिबहुव्रीहिद्वयम् ॥ १६२ ॥

याज्ञवल्कीये १६३ श्लोकः ।

निमित्तांतरमप्यस्तीत्याह । किंचेति । तदेवाह । न केवलमिति । पद्ये कालकर्मेति संहारद्वन्द्वेन पृथक् पदमित्याह । कालेति । आत्मबीजानामित्यस्यार्थमाह । स्वेति । दोषै-रित्युभयत्रान्वयि । हीने भावे क्तः । वैकुतेऽप्येवम् । स्वार्थेऽण् । तदाह हीनत्वेति । स्थिति-नियमाभावादाह । अनियतेति । ॥ १६३ ॥

याज्ञवल्कीये १६४ श्लोकः ।

*लिंगेतित्यदादशतत्त्वात्मकमित्यर्थः । पूर्वं मुक्तो मुक्तपूर्वः । पूर्वत्वं च मोक्षावधिकम् । तत्फलितमाह । कदेति । ॥ १६४ ॥

याज्ञवल्कीये १६५ श्लोकः ।

प्रतीति बहुव्रीहिः । वर्तिपदं सदीपपरमित्याह । नानेति । आधारे इति भावः । विक्रियापि चेति व्याचष्टे । तासां चेति । नन्वेवमपि तथैवात्र कुतो न कारणसत्वादत आहैतादिति । ॥ १६५ ॥

याज्ञवल्कीये १६६।१६७ श्लोकौ ।

मि. पृ. २२४. प्रागुक्तयुक्तेराह । सर्वत इति । शेषमाह । वर्तत इति । ॥ १६६ ॥ १६७ ॥

याज्ञवल्कीये १६८।१६९ श्लोकौ ।

इहेत्यस्य व्याख्या संसारे इति । कर्मणो भागासंभवादाह । कर्मकेति । ॥ १६८ ॥ १६९ ॥

याज्ञवल्कीये १७०।१७१।१७२।१७३ श्लोकाः ।

श्रुत्यंतरमाह । अस्थूलमिति । हेतुत्वार्थमेवाज्ञानेति । द्योतनैः द्योतकैः । हेतुत्वार्थ-

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* एवं मूले ।

मेवाह । जीवोपेति । तदर्थमेवाह । देहे इति । एवमग्रेऽपि । वेद्यमानम् । अनुमीयमानम् । जगतः कारणमात्मानमिति शेषः ॥ १७० ॥ १७१ ॥ १७२ ॥ १७३ ॥

याज्ञवल्कीये १७४।१७५।१७६ श्लोकाः ।

मि. पृ. २२५. तत्र गमकांतरमप्याह । किंचेति । ॥ १७४ ॥ १७५ ॥ १७६ ॥

याज्ञवल्कीये १७७।१७८ श्लोकौ ।

अत्र पद्ये अर्थशब्दो विषयपर इत्याह । शब्दादीति । ॥ १७७ ॥ १७८ ॥

याज्ञवल्कीये १७९।१८० श्लोकौ ।

ततः अव्यक्तात् त्रिप्रकारत्वमेवाह । सत्त्वेति । सत्वादिक्रमेणैवाह । वैकारिक इति । तत्र तेषां मध्ये ॥ १७९ ॥ १८० ॥

याज्ञवल्कीये १८१।१८२।१८३ श्लोकाः ।

मि. पृ. २२६, लिंगैर्हेतुभिः ॥ १८१ ॥ १८२ ॥ १८३ ॥

याज्ञवल्कीये १८४ श्लोकः ।

पितृयाने करणे ल्युट् । मार्गो विशेष्यः ॥ १८४ ॥

याज्ञवल्कीये १८५ श्लोकः ।

दानेत्युपलक्षणमित्याह । दानादीति । सम्यगिति पूर्वान्वयीत्याह । सम्यगिति । मंगलं कल्याणं ॥ १८५ ॥

याज्ञवल्कीये १८६ श्लोकः ।

मि. पृ. २२७. प्रतिसंचरे लये । तस्येति शेषे षष्ठी । मुख्यप्रकृतोपयोगिशंकामाह । कथंतरामिति । ॥ १८६ ॥

याज्ञवल्कीये १८७।१८८ श्लोकौ ।

अन्येऽपि तत्र संतीत्याह । किंचेति । सर्वारंभेत्यस्य व्याख्या केवलेति । मेधायुक्ता इत्यपि बोध्यम् । तिष्ठंते इति । तत्र पितृयाने । गत्वेति शेषः । तावता किमत आह । तत्र चेति । पितृयाने इत्यर्थः ॥ १८७ ॥ १८८ ॥

याज्ञवल्कीये १८९ श्लोकः ।

ते प्रागुक्ता द्विविधाः । यत इत्यस्य व्याख्या द्विवीति । तथेत्यस्यार्थो नित्येत्यादि । उत्तरसंगत्यर्थमाहैवं सतीति । तेषां नित्यभूतत्वे सतीत्यर्थः ॥ १८९ ॥

याज्ञवल्कीये १९० श्लोकः ।

अत एवाह । तत इति । इत्याह । इत्यत आह । तदेवाह । वेदस्येति । अनुवचनमध्ययनम् । तस्य तत्वे सति ॥ १९० ॥

याज्ञवल्कीये १९१।१९२ श्लोकौ ।

अन्यदपि फलमित्याह । किंचेति । तदेवाह । यस्मादिति । *अर्थसर्वोद्यर्थः प्रमेति ।

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* एवं मूले ।

मि. पृ. २२८ **आत्मप्रमेति** । आत्मनि प्रमाणभूत इत्यर्थः । एवमेवेत्यस्यार्थ **उक्तेति** । विविधार्थ इत्याह । **नानेति** । अर्थार्थमाह । **तदनंतरमिति** । चसूचितं निदिध्यासनमाह । **तत इति** । अरण्ये भवमारण्यकं । तदाह । **निर्जनेति** ॥ १९१ ॥ १९२ ॥

याज्ञवल्कीये १९३।१९४ श्लोकौ ।

पुरुष इति । **अभ्येत्य** ब्रह्मलोकादागत्येति शेषः ॥ १९३ ॥ १९४ ॥

याज्ञवल्कीये १९५।१९६।१९७ श्लोकाः ।

त्वर्थे चार्थमाह । ये **पुनरिति** । शेषमाह । **व्रीह्यादीति** । आत्मवानित्यस्यार्थः **प्रेति** । ज्ञानमात्रेण न फलमत आह । **मार्गेति** । तथा च धातोर्ज्ञानपूर्वके तत्र लक्षणेति ॥ १९५ ॥ ॥ १९६ ॥ १९७ ॥

याज्ञवल्कीये १९८।१९९।२००।२०१ श्लोकाः ।

मि. पृ. २२९ तत्तात्पर्यमाह । **बद्धेति** । तदुक्तमन्यत्र यथा

"पद्मासनं स्वस्तिकाख्यं भद्रं वज्रासनं तथा । वीरासनमिति प्रोक्तं क्रमादासनपंचकम् ॥
"ऊर्वोरुपरि विन्यस्य सम्यक् पादतले उभे । अंगुष्ठौ च निबध्नीयाद्धस्ताभ्यां व्युत्क्रमात्ततः॥
"**पद्मासन**मिति प्रोक्तं योगिनां हृदयंगमम् ।
"जानूर्वोरंतरा सम्यक्कृत्वा पादतले उभे । ऋजुकायो विशेद्योगी **स्वस्तिकं** तत्प्रचक्षते ॥
"सीमन्याः पार्श्वयोर्न्यस्य गुल्फयुग्मं सुनिश्चलम् । वृषणाधः पार्श्वपादौ पाणिभ्यां परिबंधयेत् ॥
"**भद्रासनं** समुद्दिष्टं योगिभिः परिकल्पितम् ।
"ऊर्वोः पादौ क्रमान्न्यस्य जान्वोः प्रत्यङ्मुखांगुली । करौ निदध्यादाख्यातं **वज्रासन**मनुत्तमम् ।
"एकं पादमधः कृत्वा विन्यस्योरौ तथोत्तरम् । ऋजुकायो विशेद्योगी **वीरासन**मितीरितम् ॥
"आसनानि च तावंति यावत्यो जीवजातयः । एतेषामखिलान्भेदान्विजानाति महेश्वरः ॥
"चतुरशीतिलक्षणमेकैकं समुदाहृतम् । ततः शिवेन पीठानां षोडशोनं शतं कृतम् ॥
"आसनेभ्यः समस्तेभ्यो द्वयमेतदुदाहृतम् । एकं सिद्धासनं प्रोक्तं द्वितीयं कमलासनम् ॥
"योनिस्थानकमंघ्रिमूलघटितं कृत्वा दृढं विन्यसेन्मेढ्रे पादमथैकमेकहृदये बध्वा समं विग्रहे ॥
"स्थाणुः संयमितेंद्रियोऽचलदृशा पश्यन्भ्रुवोरंतरम् । एतन्मोक्षकपाटभेदनकरं **सिद्धासनं** प्रोच्यते॥
"वामोरूपरि दक्षिणं च चरणं संस्थाप्य वामं तथा । सव्योरूपरि तत्र बंधनविधिं कृत्वा कराभ्यां दृढम् ॥
"तत्पृष्ठे हृदये विधाय चिबुकं नासाग्रमालोकयेदेतत् व्याधिविकारभेदनकरं **पद्मासनं** प्रोच्यते॥" इति ।

अन्यत्रापि

"वीरं वा स्वस्तिकं वाऽपि बध्वाऽन्यतरदासनम् । उदङ्मुखः प्राङ्मुखो वा जपपूजादिकं चरेत् ॥
"पद्मं वा मुक्तकं वापि बध्वा ध्यानादिकं चरेत् । एवमासनयुक्तः सन्भूतशुद्धिं समाचरेत् ॥
"एकं पादमथैकस्मिन्विन्यस्योरुणि संस्थितः । इतरस्मिंस्तथा चारुं वीरासनमुदाहृतम् ॥
"सीमन्यामात्मनः पार्श्वगुल्फौ निक्षिप्य पादयोः । सव्ये दक्षिणगुल्फं तु दक्षिणे दक्षिणेतरम् ॥
"एतद्वा स्वस्तिकं प्रोक्तं सव्ये न्यस्येतरं करम् ।

"अंगुष्ठौ चारु बध्नीयाद्धस्ताभ्यां व्युत्क्रमेण तु। ऊर्वोरुपरि विप्रेंद्र कृत्वा पादतले उभे॥
"बद्धपद्मासनमिदं सर्वेषामपि पूजितम्। संपीड्य सीमनीं सूक्ष्मां गुल्फेनैव तु सव्यतः॥
"सव्यदक्षिणगुल्फेन मुक्तासनमुदीरितम्।" इति।

साहचर्यादाहोत्ताने इति। तात्पर्यमाह। **यथेति**। **ततः** तदनंतरं। तस्य सर्वदा सत्वादेवाह। **मन इति**। **स्वरूपं चेति**। उच्यते। इति शेषः। **एकैकेति**। तथोक्तप्रकारेण त्रिभिस्त्रिभिः प्राणायामैरेकैका धारणा स्मृतेत्यर्थः। **ताभिस्तिसृभि**र्धारणाभिः॥ १९८॥१९९॥-२००॥ २०१॥

याज्ञवल्कीये २०२।२०३ श्लोकौ।

श्रोत्रेण जानातीति श्रोत्रज्ञस्तस्य भावस्तत्ता। तदाह। **अतीति**। **छंदत** इत्यस्य मि. पृ. २३० तात्पर्यमाह **करणेति** प्रसिद्धेत्यादिः। करणो ल्युटाह। **लिंगमिति**। **च**स्तत्र सर्वसमुच्चायको व्युत्क्रमे।॥ २०२॥२०३॥

याज्ञवल्कीये २०४ श्लोकः।

नित्यनैमित्तिकयोरत्यागादाह। **काम्येति**। सर्वासंभवादनावश्यकत्वादेकवचनोक्तेश्चाह। **अन्यतममिति**। **वनेवसन्नि**त्यस्य तात्पर्यार्थमाह**कांतेति**। उपायांतरमाह। **किंचेति**। काम्यनिरासायाह। **नित्येति**। णिन्यर्थमाह। **शील इति**। अयं सर्वोऽप्युपाय इत्याह। **सन्निति**। एतत्फलमाह। **आत्मेति**।॥ २०४॥

याज्ञवल्कीये २०५ श्लोकः।

ज्ञानं ध्यानम्। तथापाठ एव वा। हेरर्थो **यस्मादिति**। अत एव साकांक्षत्वात्प्रागुक्ताविरोधेनाह। **तस्मादिति**।

इत्यध्यात्मप्रकरणं॥

अथ योगविधिः॥

एवं जपादिसिद्धप्रणवो योगी यथोचितमासनमास्थाय तन्मंत्रन्यासादिकं कृत्वा मूलाधारगतस्यादिवर्णत्रयं तेजसोमध्यत्रिकोणबिंदुस्थवृत्तनादमयीं परां शब्दब्रह्मात्मिकां देवीं भावयेत्। आत्मकुंडलिनी

"तस्या मध्यगतं सूक्ष्मं सर्वविश्वस्य कारणम्। शिवात्मकं परं तेजः संविद्रूपं परं स्मरेत्॥" इत्युक्तक्रमेण मूलाधारे अकारादिप्रणवांशत्रयं त्रिरेखं त्रिकोणं संचिंत्य प्रणवमुन्मन्यंतमात्रेपि तमुच्चार्य अंतर्नादात्मकं अलिविरुतिकोमलं शब्दब्रह्मात्मकं सूक्ष्मं तेजस्ते सुनिभं नादं सुषुम्नाध्वना तदग्रगतपरमात्मकगतं निनयेत्। इति **सूक्ष्मतंतुनयनप्रयोगः**।

अथैवमेव मूलाधारे आवर्त्तत्रययुक्तं बिंदुं संचिंत्य तारं तथोच्चार्योच्चार्य द्वादशांतस्य चित्तं तु प्रोतं परिकल्प्य ततोमृतवर्यं ध्याय तारमभ्यसेत्। इति **बिंदुस्वरूपनयनात्मकः** सपापमृत्युहरो योगः।

एवं मूलाधाराकारादित्रिकोणमध्यबिंदुगतं **नादरूपप्रभां बिसतंतुमिभा संचिंत्य प्रणव-**

मुन्मन्यंतमात्रायुक्तमुच्चार्य द्वादशांतस्थाच्चिंद्रे नीत्वा तस्मादमृतवर्षं भावयन्प्रणवमावर्त्तयेत् ।०। इति **मात्रानयनात्मको** योगः । विहरणादिनिपुणः ।

मूलाधारमध्यगतत्रिकोणमध्यबिंदुगतनादं तेजः पीततंतुनिभं ध्यात्वोक्तक्रमेण परमात्मनि निनयेत् । पुनरावृत्तिविहीनं ज्ञारमभ्यसेत् । पीततंतुनिभं योगो मोक्षकरः ।

अथ मूलाधारे एवं विचिंत्य स्थूलसूक्ष्मकारणसामान्यबीजसंविद्भावक्रमेण अकारमुकारे उकारं मकारे मकारं बिंदौ बिंदुं नादे नादं शक्तौ शक्तिमुन्मन्यंते निर्द्वंद्वत्वादिलक्षणे शांते संहरन्प्रणवमभ्यसेत् । अयं क्रमः संहारात्मको मोक्षप्रदो योगः ।

एवमहरहर्योगं कृत्वा दिनत्रयावृत्तौ च मनसा जाग्रदात्मकं बीजं स्वप्नरूपे बिंदौ विलापनं तं सुषुप्तिरूपे नादे तंतुरीयरूपायां शक्तौ तांतुरीयातीतरूपे शांते जाग्रदादिभिः सह मनसा संहरेत् । अयं मंत्रोच्चारको मोक्षप्रदो योगः । मंत्रोच्चारके योगे सूक्ष्मायां स्वमहिमायां वाचि व्याख्यायां ख्यातिरूपायां मूलाधारस्थायां परायां वाचि पश्यंत्यां नाभिस्थायां वाचि मध्यमाख्यवैखर्योश्च हृदयमुखस्थयोश्च प्रणवोच्चारणोत्पाद्यंतां पंचमीं तां वैखरीमेवोच्चारणानंतरं तदंतरध्वनिरूपेणास्य भ्रूमध्ये मूर्धद्वादशांतं षोडशांतं स्थित्वा अनुक्तक्रमेण वैखरी मध्यमा परा सूक्ष्माख्या सुसंहरन् प्रणवमभ्यसन्योगी योगं कुर्यात् । इत्यादिसर्वमवगंतव्यम् ।

अथास्य प्रणवस्य यंत्रमपि भावनार्थमंत्रदेवताप्रकाशिकोक्तप्रकारेण लिख्यते ।

"षट्कुक्षिं पीठसंस्थं तदुपरि विलसत्सोमसूत्रं सबिंदुं ।
तन्मध्ये नादसंज्ञं प्रणवमभिवृतं बिंदुनादौ पुनश्च ॥
इत्थं संचिंत्य योगी विविधमनुदिनं तारकं व्योमसंस्थं ।
सर्वाधारं महेशं सकृदपि मनसा संस्मरेद्यः स मुक्तः"॥ अस्यार्थः । षट्कुक्षिरित्यकारोऽन्वर्थसंज्ञः पीठ इत्युकारः । सोमसूत्रमिति तिर्यग्भूतरेखाद्वयम् । बिंदुरिति तदुपरि रेखावलयं । नादमिति । तत्र दीर्घरेखातारं प्रणवः । तदुपरि च बिंदुनादौ । व्योमकारः । शेषं प्रसिद्धम् । ध्यानं " विष्णुं नमामि" इति मंत्रस्य शतलक्षजपः । पायसैर्घृतसिक्तैश्च दशांशहोमः । विप्रभूरुहसमिद्भिर्वा ॥ विप्रभूरुहं पलाशं । एवं पुरश्चरणहोमः । ॥ २०५ ॥

अथ प्रायश्चित्तप्रकरणम् ॥ ५ ॥

उक्तजातस्य वक्ष्यमाणेनावसरसंगतिमाह । **वर्णेति प्रतीति** । प्रश्नविषयकथनविषयेत्यर्थः । **षडिति** षड्विधः स्मार्तधर्ममध्ये इत्यर्थः । तस्य तत्वं च वर्णधर्म आश्रमधर्मः वर्णाश्रमधर्मो गुणधर्मो निमित्तधर्मः साधारणधर्मश्चेत्येवं बोध्यम् । निमित्ते भवो **नैमित्तिकः** । निमित्तं च विहिताकरण-निषिद्धसेवनादि मूले एव वक्ष्यमाणं । अत एव **बृहस्पतिः** "विहितस्याननुष्ठानात्प्रतिषिद्ध-निषेवणात्प्रायश्चित्तं यत् क्रियते तन्नैमित्तिकमुच्यते " इति । अवांतरभेदेनाह । **धर्मजातमिति** । धर्मसमूहमित्यर्थः । **प्रायश्चित्तेति** । तत्पदवाच्य इत्यर्थः ।

तदुक्तं "प्रायः पापं विनिर्दिष्टं चित्तं तस्य विशोधनमिति"। चतुर्विंशतिमतेऽप्येवम् । तथा च पापनिवर्त्तनक्षमधर्मविशेषे योगरूढोऽयं शब्द इति तत्त्वम् । संकेतविशेषसंबंधेन प्रायश्चित्तशब्दवत्त्वमेव तत्त्वम् । अत एव कत्वंगप्रेषप्रायश्चित्ते तद्व्यवहार इत्यन्ये । **प्रथेति** । आदौ तत्र **यत्प्ररोचनमभि-** रुचिस्तदर्थमित्यर्थः । तदुन्मुखत्वार्थमिति यावत् । फलांतरमाह । **अधिकारिविशेषणेति** ब्रह्महत्या-दीत्यर्थः । श्रद्धाऽऽस्तिक्यादीत्यर्थो वा । **अर्थेति** । प्रायश्चित्तविधिर्ब्राह्मणहननादिनिषेधोभयार्थ-वादेत्यर्थः । अनेनोक्तिसाफल्यमुक्तम् । **कर्मेति** । जन्मांतरभावीत्यादिः ।

याज्ञवल्कीये २०६ श्लोकः ।

तस्यैकभ्रमनिरासायाह । **ब्रह्मेति** । वक्ष्यमाणमूलत आह । **तामिस्रादीति** । 'यथा कर्मेति' (श्लो.२१७) वक्ष्यमाणत्वात् । न हि सर्वे सर्वत्रेत्याह । **स्वेति** । घोरानित्यस्य व्याख्या-**अतीति** । दारुणत्वमेवाह । **दुःखैकेति** । दुःखस्यैकः केवलं यो भोगस्तत्स्थानभूतानित्यर्थः । दुःखलेशोऽपि येषु नास्तीति भावः । एतावन्मात्रेण न सर्वकर्मक्षय इति व्याचष्टे । **कर्मजन्येति** । नेयं हेतुपंचमी किंतु ल्यब्लोपे पंचमीति ध्वनयन्षष्ठ्यर्थे योग्यतया शेषेणाह । **अनंतरमिति** । उक्तरीत्यैव हेतुमाह । **कर्मेति** । इहेत्यस्य व्याख्या **संसारे इति** । मृगश्वेत्यादिवक्ष्यमाणानुरोधे-नाह । **श्वेवेति** । **दुःखबहुलेति** । विशेषणेन सुखलेशसत्तासूचनद्वारा पूर्वतो विशेषोऽत्र प्रति-पादितः । **प्रार्थः** प्रकरिति । तदर्थो **भूयो भूय इति** । न्यूनतादि निराचष्टे । **महेति** । **आदिना**ऽनुपातक्यादिपरिग्रहः । तत्र बीजमाह । **तेषां चेति** । तेषामपीत्यर्थः । नरकभोगोत्तर-मिति शेषः । इदमप्यग्रे वक्ष्यते "तामिस्रं लोहशंकुं चे"त्यत्र (श्लो. २२२) । विशेषोऽपि तत्रैव वक्ष्यते । ॥ २०६ ॥

याज्ञवल्कीये २०७।२०८ श्लोकः ।

मि. पृ. २३१ मृगेत्यादि लवणहारक इत्यंतमस्यैव सामान्योक्तस्य विवरणमित्याह । **महेति** । तदुक्तम्

"एष सर्वः समुद्दिष्टस्त्रिप्रकारस्य कर्मणः । त्रिविधस्त्रिविधः कृत्स्नः संसारः सार्वभौतिकः ।
" यादृशेन तु भावेन यद्यत्कर्म निषेवते । तादृशेन शरीरेण तत्तत्फलमुपाश्नुते ॥" इति ।

मृगशब्द आरण्यकसामान्यवाचीत्याह । **हरिणाद्य इति** ।

"विप्रान्मूर्द्धावसिक्तो हि क्षत्रियायां विशः स्त्रियाम् ।[1]अम्बष्ठः शूद्र्यां निषादो जातः पारसवोऽपि वेति॥"

प्रतिपादितानुलोमनिरासायाह । **प्रतीति** । अयं मत्स्याघातजीवी । तदुक्तं **व्यासेन**

"शूद्रान्निषादो मत्स्यघ्नः क्षत्रियायामिति क्रमादिति" । **वैदेहकेनेति** । अयमपि प्रति-लोमजः । तदुक्तं (आचारे ९३ श्लो.)

" ब्राह्मण्यां क्षत्रियात्सूतो वैश्याद्वैदेहकस्तथा । शूद्राज्जातस्तु चंडालः सर्वधर्मबहिष्कृतः ॥" इति ।

प्रायशः सर्वत्र तथैव सत्वादाह । **सजातीयेति** । नन्वेवं कथमुत्पत्तिरत आह । **मांसेति** । आदिना कुत्सितकर्दमादिपरिग्रहः । कीटानाह । **तत इति** । कृमिभ्य इत्यर्थः । **स्वार्थे तरप्** । **विशेष-**

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१ आचारे ९१ श्लोकः

मुक्त्वा सामान्यमाह । **सजेति** । वक्ष्यमाणानुरोधेनाह । **ब्राह्मणेति** । प्रमाणमपि तस्य वक्ष्यते । **क्रमश** इत्यत्रार्षः शंस स्वार्थे इत्याह । **क्रमेणेति** । इदं पूर्वत्रापि स्थलत्रये विशेषणं बोध्यमत एव सर्वांते मूले उक्तमन्वादिविरोधं परिहरति । **एतच्चेति** । **कामेति** । इच्छाकरणपूर्वं कृते त्वित्यर्थः । अन्यास्वपि मूलोक्तभिन्नास्वपि योनिमित्यादेरग्रेऽप्यनुषंगो बोध्यः । संख्यैकवचनादित्युभयत्र शस् । **क्रव्यादां** । **अपंक्तमासभक्षिणां** । क्रव्ये चेति विट् ॥ २०१ ॥ २०८ ॥

याज्ञवल्कीये २०९ श्लोकः ।

किंचेति । अन्यदप्याहेत्यर्थः । न केवलं तदनंतरं तिर्यग्योनिप्राप्तिरेव किंतु तदनंतरं अन्यदपीत्याशयोऽस्येत्याहैव**मिति** । उक्तप्रकारेणेत्यर्थः "नरका रौरवो रौद्रः शूकरस्ताल एव च" इत्यादि । **यमानुरोधेनाह** । **रौरवादीति** । **जननसमय** एवेत्यनेनोत्पत्तिशिष्टत्वमेषां सूचितम् । तेनोत्पन्नशिष्टव्यवच्छेदः । तस्याल्पत्वात् । एवं सामान्यपद्यतो लब्धमर्थमुक्त्वा प्रकृतार्थमाह । **तत्रेति** । तेषां मध्ये इत्यर्थः । **राजेति** श्रीह्यादित्वादिनिः । वक्ष्यमाणानुरोधेनाह । **निषिद्धेति** । कृत्रिमत्वनिरासायाह । **स्वभेति** । प्राग्वदाह । **ब्राह्मणेति** । प्राप्नोतीति शेषः । **तल्पं** दाराः । दुश्चर्मत्वमेवाह । **कुष्ठितामिति** ॥ २०९ ॥

याज्ञवल्कीये २१० श्लोकः ।

तृतीयार्थमाहै**तेषामिति** । संवत्सरपर्यंतमिति शेषः । अन्नं चतुर्विधं ॥ २१० ॥

याज्ञवल्कीये २११ श्लोकः ।

धान्यमिश्रोतिरिक्तांग इति । धान्यं च मिश्रं च धान्यमिश्रे । ते यस्य स्त इति अर्श आदित्वात् जातावेकवचनं । संबंधश्चापहार्यापहर्तृभावादिः । तथा च धान्यचौरश्चातिरिक्तं शून्यं अधिकं च यथाक्रममंगं यस्य तादृश इत्यर्थः । तदेतदभिप्रेत्याह । **षडंगुल्यादिरिति** । **आदिना** चतुरंगुल्यादेरपि परिग्रहः । तथा च **विष्णुः** "धान्यचौरोऽगहीनः । मिश्रचौरोऽतिरिक्तांग" इति। अपद्रव्यमिश्रणेन यो द्रव्यमपहरति **स मिश्रचौर इति कल्पतरुः**। "धान्यचौरोऽगहीनत्वमातिरेक्यं तु मिश्रक" इति **मनुरपि** (११।५०) । यो द्रव्याणि अद्रव्यैस्तदाभासैः संमर्दयति यथा कुंकुमं कुसुंभेन स मिश्रक इति तु **मेधातिथिः** । **वस्तुतस्तु** मूखकोधान्यहारीति वक्ष्यमाणात्वादेक एवात्रार्थो मूलाभिमत इति बोध्यम् । सूचकेनापौनरुक्त्यायाह । **विद्येति** । अत एवा**सदिति** । तत्र वक्ष्यति । **शील इति** । अग्रे तु सकृदपीति बोध्यम् । प्राग्वदाहै**तच्चेति** । एतदपीत्यर्थः । नरक(भो)तरमितिशेषोऽत्रापि बोध्यः । **यद्वा तद्वा** । यत्किंचिदपि ॥ २११ ॥

मि. पृ. २३२

याज्ञवल्कीये २१२ श्लोकः ।

ब्रह्मस्वं ब्राह्मणद्रव्यम् । तत्र विशेषस्योक्तत्वादाह । **सुवर्णव्यतीति** । हेमकर्तृशब्दोऽपि तज्जातिवाची ॥ २१२ ॥

याज्ञवल्कीये २१३ श्लोकः ।

यत्रेत्यनेन फलशाकव्यावृत्तिः । शिष्यार्थमाह । **मयूर इति** । 'पत्रशाकं तु बर्हिण' इति **मनोः** ॥ २१३ ॥

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१ ख ध्यान; २१४ श्लो.।

याज्ञवल्कीये २१४।२१५ श्लोकौ ।

योज्यतया शेषमाह । **हत्वेति** । अग्रेऽप्यस्यानुषंगो बोध्यः । **पयो**ऽर्थमाह । **क्षीरमिति** । **श्वित्री** कुष्ठी ॥ २१४ ॥

याज्ञवल्कीये २१६ श्लोकः ।

पूर्वोक्तोपसंहारपरं मूलमित्याहैव**मिति । प्रदर्शनं** निदर्शनं । **पृष्ठाकोटेन** पृष्टकोटिभिः । **एकोपेति** । एकोक्तिविशेषेणेत्यर्थः । **कर्मविपाकं** तत्सामान्यं । स्तेयकर्मणीति न पूर्वान्वयि । पूर्वमन्यत्राप्युक्तत्वात् । तदाह । **स्तेयेति** विषयसप्तमी । अत एव शेषमाहाऽपेति प्रकारशब्देन रूपविशेष इत्याशयेन । विष्णुस्मृतिमाह । **यथा कांस्येति** । अत्र व्याख्यानेऽतिप्रसंगं हृदि निधायाहाथवेति । अत्र प्रकारशब्देन फलं । तदाह **यत्फलेति** । यस्य फलस्य साधनं द्रव्यमपहरति तत्फलसाधनरहित इत्यर्थः । **मनु**माह (११।५१) **यथा पंगुतामिति** । स्पष्टार्थमाह ।

मि. पृ. २३३. **शंखेनेति** । तैजसं रजतादि । **मंडली** मंडलीख्यरोगवान् । **खलतिः** घर्घरस्वरः स्खलद्वीर्वा । **प्रतिहर्ता** प्रतिकूलवृत्तिः । **कुंडाशी** कुंडस्यान्नमश्नाति सः । यद्वा कुंडं पात्रं तत्रैव योऽश्नाति सः । "चतुःषष्टिपलैः शुद्धैः कुंडं प्रस्थचतुष्टयम् । भवेत्तयस्तु निगरेत्सकुंडाशी पतत्यधः ॥" इति **ब्रह्मांडे** । एकस्मिन्नेव भोजने यः प्रस्थचतुष्टयपरिमाणं भक्षयेत्स कुंडाशीति तदर्थ इति केचित् । स्त्रियमेव पण्यां कृत्वा यो जीवति । कुमारं पतिमुपपन्नाः दारास्तत्त्यागी कौमारदारत्यागी । **क्षपणकः** जिनपरिव्राट् । **कपाली** कपालरोगवान् । **कौशिकी** पक्षिविशेषः । एवं **खंडकाणे**ऽपि ।

खल्वल इत्यस्यैव व्याख्या **मुहुरिति** । श्लीपदीत्यस्यार्थ **उच्छूनेति** । **अवगोरणे**ऽर्शआद्यच् । **वातवृषणः** एकस्थूलैकन्हस्वः । **न्यासः** थाथीति प्रसिद्धः । **पुरुषमृगः** पुमान्मृगः । **द्वीपी** व्याघ्रः । **जलप्लवः** । पणडुवीति प्रसिद्धः । **यतस्ततः** । अनियमेन । कक्षतृणं कक्षवनयोर्दहनात् । **दारका** बालकाः। मंडलाकारकुष्टवान् । **श्वपाकश्चं**डालः । स्नेहं घृतादि । **ज्ञानापहारी** अननुज्ञातश्रोता । चांडालीपुल्कस्योर्गमने मरुदेशस्थपिशाचः । शूद्रागमने इति पाठः । **वार्धुषिकः** निषिद्धवृद्ध्युपजीवी । **अविक्रेयं** लवणादि । **राजमहिषी** मुख्यराज्ञी । इदमुपलक्षणमित्याहेत्येते **इति** । इत्यादयो नरकगामिन इत्यर्थः ।

न्यूनतां निराचष्टे । **स्त्रियोऽप्येतेष्विति** '। एवेन जात्यंतरनिरासः । **जातिषु** विषये । **कल्पेन प्रकरणेन** ।

प्रागुक्तमर्थवादत्वं स्पष्टयति ।**एतच्चेति** । क्षपित्वादिरूपलक्षणेत्यर्थः । जन्मांतरानुष्ठितब्रह्मवधादेरिति भावः । तथा च ब्रह्महत्यादेर्यथाश्रुते प्रागुपादानेऽपि विपरीतवाक्यकल्पनया विपरीत उद्देश्यविधेयभावो बोध्यः । **ब्रह्महेति** इदानींतनेत्यादि । **न पुनरिति** । उक्तरीत्योक्तिसाफल्याय तथा प्रीप्तावपि न तस्योक्तरीत्याऽर्थवादत्वेन साफल्यादिति भावः । पापस्य द्वितीयाऽपि शक्तिर्वक्ष्यमाणेत्याह । **संसर्गेति** । **व्रतं** प्रायश्चित्तं । तद्विनेति भावः । **पापेति** । वक्ष्यमाणस्थलविशेषे इति भावः । वचने हि शेषसत्वादाह । **प्रारब्धेति** । बहुव्रीहिः । भोगेन प्रायश्चित्तस्येति भावः । उक्तमेव दृष्टांतमुखेन दृढयति । **न हीति** । वेधे कार्ये । **तद्व्यापारस्य** तद्व्यापारांतरस्य । **पुनः**

पश्चात्। कार्मुकनिर्मोकानंतरम्। ननु न भोगेन तन्नाशः किंतु प्रायश्चित्तेन। तन्निमित्तपापापूर्वनाशद्वारा तन्नाश इति तदावश्यकमित्याह। **न च तदारब्धेति।** पापापूर्वारब्धनरकादीत्यर्थः। अत्र हेतुमाह। **न हीति।** तत् चक्रादिकारकः। 'पूर्वेति' प्रसिद्धः। **आदिना** घटादिः। अतिप्रसंगमपि सूचयन्नाह। **न च नैसरिति।** नापीत्यर्थः। जन्मतः प्राप्तं **प्रत्यानेतुं** दूरीकर्तुम्। असंभवादिति भावः। अत एव हेतुगर्भविशेषणं तत्र दत्तम्।

ननु नरकादिभोगेन तदपूर्वनाशेऽपि यदपूर्वेण शेषेणेह कौनख्यादिसंपन्नं तदपूर्वमात्रनाशार्थमेव प्रायश्चित्तं स्यादत आह। **किंचेति। आदिना** प्रागुक्तान्यपरिग्रहः। अनुभूते गत्यर्थाकर्मकेति-कर्तरि क्तः। अनुभूतवत इत्यर्थः। **उत्पन्नमात्रेणे**त्यनेनोत्पत्तिपूर्तिः कालांतराद्यनपेक्षा च सूचिता। **आशुशुक्षणिर**ग्निः। आद्यपक्षमुपसंहरति। **तस्मादिति।** तादृशस्थले इति भावः। नन्वेवमपि द्वितीयशक्तिनाशार्थमेव तदावश्यकमत आह। **नापीति।** अनुषंगेणान्वयः। अत्र हेतुमाह। **न हीति।** उपसंहरन्नुक्त्यंतरमाह। **प्राचीनेति।** विरोधं परिहरति। **यत्त्विति। तदिति।** यथा गृहदाहनिमित्ते क्षामवतीष्टिरनुष्ठीयते केवलं न तावतैव गृहदाहप्रत्यापत्तिस्तद्वदित्यर्थः। तदेव मात्रपदव्यवच्छेद्यमाह। **न पुनरिति। वा** इवार्थे। पापक्षयार्थमिव संव्यवहार्यत्वसिद्ध्यर्थमित्यर्थः।॥ २१६॥

याज्ञवल्कीये २१७ श्लोकः।

मि. पृ. २३४. क्षयरोग्यादिजन्मानंतरमपि किंचिच्छेषभूतं न तावतैव समाप्तिरित्याह। **किंचेति। यथाकर्मेति।** पदार्थानतिवृत्तावव्ययीभाव इत्याह। **स्वकृतदुरिति।** तस्यापि तात्पर्यार्थमाह। **तदन्विति।** फलपदार्थमाह। **नरकादीति।** गामश्वामितिवदाह। **तिर्यक्त्वं चेति। कालपर्ययादि**त्यस्यार्थः **कालक्रमेणेति।** शेषं योग्यतयाऽऽह। **क्षीणे इति।** क्षयरोग्यादिजन्मनेति भावः। एतदर्थमेवेदम्। अन्यथाऽनतिप्रयोजनकत्वमस्य स्फुटमेव। **लक्षणभ्रष्टा** इत्यस्य सुलक्षणाद्रहिता इत्यर्थस्तत्फलितमाह। **दुष्टेति। पुरुषाधमा** इत्यत्र षष्ठीसमासनिषेधात्सप्तमीसमास इत्याह। **पुरुषेष्विति।**॥ २१७॥

याज्ञवल्कीये २१८ श्लोकः।

प्राग्वदाह। **किंचेति।** सामग्र्यभावे तदपि कथमत आह। **प्राग्भवीयेति**॥ २१८॥

याज्ञवल्कीये २१९।२२० श्लोकौ।

काम्यस्थले विहितत्वसत्वेऽपि तथा शास्त्रेणानुक्तत्वात्तन्निरासायाऽऽह। **यदावश्यकमिति।** सकृदपि दोष इति सूचनाय व्याचष्टेऽ**करणादिति।** पतनमित्यस्य नरकादियोग्यतामित्यर्थं हृदि निधायाऽऽह। **प्रत्यवायीति।**

तृतीयनिमित्तांशे शंकते। **नन्विन्द्रियेति।** अर्थशब्दो विषयपरः। अपिरुक्तसमुच्चायकः। **इति** इत्यस्य। **एकांततः** आसाधारण्येन। ननु किन्ततोऽत आह। **तत्र चेति।** तेषु इत्यर्थः। **इंद्रियेति** व्यधिकरणबहुव्रीहिः। **स चेति।** स तु संकल्पस्तु व्रतपदवाच्यसंकल्पांशमादाय भावरूपो नञर्थविशेषणनिषेधांशमादायाभावरूप इति उभयरूप इत्यर्थः। यद्यपि 'प्रासादवासि' **न्यायेन** माषभोजननिषेधस्यामिश्रणेऽपि प्रवृत्त्यंगीकारेण च तथा संभवति तथापि 'सिद्धस्य गतिश्चिंतनी-

येति' 'ब्राह्मणवसिष्ठ'**न्यायेन** तथोक्तं पर्युदासेऽप्यार्थिकप्रतिषेधव्यवहार इष्ट एवेति बोध्यम् । एतेन स अल्पप्रतिषेध इति 'ब्राह्मण वसिष्ठादि'वत्प्राधान्यख्यापनार्थं वा तदुक्तिरिति **मेधातिथ्या**द्युक्तमपास्तम् । इंद्रियार्थप्रसंगाभ्यासेन पापाधिक्यार्थमिदमिति **कल्पतरूक्त**मपि ।

आद्यनिमित्तांशे शंकते । **ननु वीति** । विधिबोधितस्यापि स्वत एवाप्रवर्तकत्वेन तदाक्षेप आवश्यक इत्याहाऽऽ**क्षिपतीति** । सर्वत्रेष्टसाधनताज्ञानस्यैव प्रवर्तकत्वेनात्र न तदपेक्षेत्याह । **स्वविषयेति । सा** उक्तरूपचोदना । **तावन्मात्रेण** तावतैव । तद्व्यवच्छेद्यमाह । **न पुनरिति । अनुपपत्तेः** तदुपपादकत्वासंभवात् । अननुपपत्तेरिति पाठस्तु युक्तः । अत एवाऽऽह **अभ्युपेत्यापि । किंच यद्यनुपेति । अर्थांतरं** तदपि विधिस्थले इति भावः । निषेधस्थले प्रतिबंदीमाह । **तर्हीति** । तस्याकिंचित्करत्वादिति भावः ।

विधेः क्षीणशक्तित्वेन तदसंभवेऽप्यन्यथा तदाह । **नन्विति । निषिद्धेषु** सुरापानादिषु । **अर्थवादाः** प्रागुक्ताः । **तथेति** । तत्र सर्वत्रार्थवादसत्तां मन्यते । **हि** यतः । हेतुत्वबोधकोऽयम् । एवमग्रेऽपि । उत्थिताकांक्षाया अभावेऽपि वाक्यशेषवदन्वयसंभव इति मूला स्मृतिरेव तादृशी सर्वत्र विधावित्याह । **न च विहितेति । वाक्येति** । अर्थवादस्थानापन्नेत्यर्थः । चतुरस्रं समीचीनं

मि. पृ. २३५. युक्तमिति यावत् । "संदिग्धे तु वाक्यशेषादिति' **न्यायेनाह । न हीति । प्रमिते** संदिग्धे तु आकांक्षया समभवति । ननूभयाकांक्षाया अभावेऽपि 'विहितस्येति' स्मृतेरेवाकांक्षया तस्याप्याकांक्षामुत्थाप्यैकवाक्यतया तत्त्वमस्याः संभवतीत्याह । **भवतु वेति । नाभावेति** । तस्य तत्त्वेन कार्यजनकत्वस्यान्यत्र इष्टत्वादसंभवाच्चेति भावः । एतेनार्थवादगतप्रत्यवायपरिहारार्थमेव **स** च यत्र नास्ति तत्रापि कल्पते । अन्यथा विधेरेवाप्रवर्तकत्वापत्तिरित्यादि **मेधातिथ्या**द्युक्तमपास्तम् ।

अत्रापि शंकोक्तिपि तथा चं तत्रापि भावस्यैव तज्जनकत्वं नाभावस्य प्रतिबंधकाभावस्य तु तत्वेन कार्यमात्रं प्रति तत्वं सर्वसंमतमेवेति भावः । इत्यस्याः स्मृतेः **कथं गतिरि**त्यन्वयः । तदंशे एवाहाऽ**ग्निहोत्रेति** । स हेतुरिति शेषः । तथा चेदृशप्रत्यवायस्तदंशे विवक्ष्यतो न तु निषिद्धानुष्ठानादिवन्नरकादिहेतुभूतपापापूर्वरूप इति भावः ।

अविरोधायाह । **नन्विति । वर्णानां** क्रमेणाह । **वांतेत्यादि** । अत्र विच्युतत्वमात्रं स्वधर्मरहितत्वरूपमुद्देश्यतावच्छेदकमन्यत्सर्वं विधेयमेवमग्रेऽपि तदनुवृत्त्या बोध्यम् । **उल्का** ज्वलत्काष्ठम् । **कुणपः** शवशरीरम् । आद्यंतयोस्तदुद्देश्यस्योक्तत्वान्मध्यद्वयमपि तद्विषयमित्याहे**त्येतानि । विहितेति** । अत्रातात्पर्यादाह । **वेति** । अत्र शब्दार्थत्यागापत्तिरत आह । **यद्वेति** । निषिद्धाचरणस्य तज्जनकत्वस्य क्लप्तत्वेनात्र तदभावादा**क्षिप्तेति** । नात्र पक्षे पूर्ववत् विकल्प इत्याह । **वांताश्युल्केति** । विशेषाभिप्रायेणोपसंहरति । **इति न क्वचिदिति** । अथ समुदिते । **ननु पुंश्चलीति** । पुंश्चली वानरखरैर्दष्टाश्च मिथ्याभिशस्तश्च तदादावित्यर्थः । अपि नोभयादिसमुच्चयः । तत्र तदभावे इष्टापत्तावाह । **कथं चेति**

"श्वसृगालखरैर्दष्टो ग्राम्यैः क्रव्याद्भिरेव च । नराश्वोष्ट्रवराहैश्च प्राणायामेन शुध्यति ॥" इति । **मनुः (११।१९९)। मिथ्याभिशस्तः** । अनृतमभिशप्यमानः कृच्छ्रं मासं समाचरेत् । **पातकेषु** 'महापातकेषु द्विमासं कृच्छ्रमिति' **पैठीनसिः** । अन्यथाऽनुपपत्त्या **आद्यास्मादेवेति** । विधानादित्यस्य कल्पते इत्यत्रान्वयः । तस्य तत्र तत्वस्य सत्वाभाववदाह । **जन्मान्तरेति** ।

आदिना तद्दृष्टादिपरिग्रहः । तन्निमित्तेति बहुव्रीहिः । अनुष्ठितमिति । सूचितं प्रयत्नमाह । पुरुषेति । वर्त्रंतरमादायान्यथासिद्धिस्तु नेत्याह । न चेति । एतेनेंद्रियार्थप्रसंगशब्देन देशाभिशापौ लक्ष्येते । स्वकार्यत्वादिति । तत्रापि तदर्थं तृतीयग्रहणमिति शूलोक्तमपास्तम् । उपसंहरति । तस्मादिति ।

एवं साधितेऽर्थे साधकांतरमप्याह । तथा चेति । विहितं नित्यं नैमित्तिकं च । निंदितं निषिद्धं सुरापानादि । इंद्रियार्थेषु तद्विषयेषु अविहितत्वेषु संस्कृतभोजनचंदनानुलेपनादिषु । प्रसंगश्चासेवाविषयाभिलाषपरतेति यावत् । प्रायश्चित्तीयते । मत्वर्थेनंताद्भृशादित्वात् क्यङ् । एतेन प्रायश्चित्तमेति इच्छाति वे व्यत्ययो बहुलमिति इयङ् प्रत्यय इति तदुक्तमपास्तम् । शिष्टस्याक्रियाप्रतिषिद्धस्य सेवनामिति द्वैविध्यम् । गौतमोक्तं तु प्रायिकमिति न विरोधः । नर इति वचनं चातुर्वर्ण्याधिकारार्थमिति यदुक्तं खंडयति । नर इति । उभयत्रेति भावः । एतेन वैदिकांशमेव प्रायश्चित्तं न चंडालादीनामित्यपास्तम् । तस्मादिति ।

द्वितीयपद्यार्थमाह । तस्मादिति । साकांक्षत्वात्पूरितमिदम् । तेनेत्यस्यार्थः कृतेति । इहेति लोकपरम् । अन्यथा नैर्कल्पात् । तच्च स्मृत्यंतरादुपलक्षणं विशुद्ध्येत्यत्रान्य इत्याहेहेति । एवमित्यस्यार्थः प्रायश्चित्तेति । तात्पर्यार्थमाहैवं चेति । एवं वदता योगिना चेत्यर्थः । अधिकार इति । तद्रूपाधिकार इत्यर्थः । तत्र अनुष्ठीयमानप्रायश्चित्ते । अस्यादृष्टचरत्वनिरासायाह । जातेष्टीति । 'वैश्वानरं द्वादशकपालं निर्वपेत् पुत्रे जाते' इति विहितेष्टौ पुनत्वादिफलवदित्यर्थः । तथा च तत्परिहारस्याप्युपस्थितत्वात्तद्वत्संवलिताधिकार एव । तथा च जाबालिः

"क्षयं केचिदुपात्तस्य दुरितस्य प्रचक्षते । अनुत्पत्तिं तथैवान्ये प्रत्यवायस्य मन्वते ॥

"नित्यक्रियां तथैवान्ये अनुषंगफलां श्रुतिमिति "। इत्येतावता एतावन्मात्रेण । कामेति प्रायश्चित्तं कामरूपाधिकार एवेत्याशंक्येत्यर्थः । न चेति । न हीत्यर्थकमिति । शेषमाह । यस्मादिति । मनुमाह । चरीति । अनिष्कृतैनस इति छेदः । एवं च पापिनः प्रायश्चित्तं नित्यं नैमित्तिकं काम्यं च । अतो विकल्प्यंगादपि पापस्य नाशः । किंत्वल्पस्यैव न तु समग्रस्य । एवं च प्रधाननिष्पत्तावंगानिष्पत्तावपि न प्रधानावृत्तिरिति बोध्यम् ॥ २१९ ॥ २२० ॥

याज्ञवल्कीये २२१ श्लोकः ।

मि. पृ. २३६. तदेव मूलकृदप्याहेत्याह । प्रायश्चित्तेति । कष्टानित्यादेरर्थः क्लेशेत्यादि ॥ २३६ ॥

याज्ञवल्कीये २२२।२२३।२२४।२२५ श्लोकाः ।

'महानरकेति' 'संजीवनेति' च समाहारद्वंद्वः । घोरैर्भयंकरतदपूर्वैरन्विता इत्यादयः । ननु संज्ञाभेदोक्तावपि स्वरूपभेदो नोक्त इति कथं तद्विवरणमत आह । अन्वर्थेति ।

तामिस्रोऽधकारवान् । लोहशंकुः सूचीभेदनम् । महानिरयः । महती सर्वप्रकारा पीडा यत्र । शाल्मलिः शाल्मलिकंटकैस्तोदनं यत्र । रौरवः शब्दवेधो यत्र । कुड्मलं कलिकारूपेण तोदनं यत्र । पूतिमृत्तिकं पुरीषादि । पापक्षय एव । किंतु वचनापादृताधमृतिका यत्र । कालसूत्रकं कुलालचक्रच्छेदनं यत्र ॥ १२२ ॥

संघातः अत्यंतसंवृत्तदेशे बहूनामवस्थानं । **लोहितोदं** रुधिरमेवोदकं यत्र । **सविषं** विषबहुलम् । **संप्रपातनं** सम्यक्प्रपतनं यत्र । **महानरकः** । तप्तभूमिवर्त्मनाऽऽगमनं यत्र । **काकोलः** काकैर्भक्ष्यते यत्र । **संजीवनं** यत्र संजीव्य पुनः पुनर्व्यापाद्यते । **महापथः** । महामार्गकृतपीडा यत्र ॥ २२३ ॥

अवीचि दाहो महान्यत्र । **अंधतामिस्रं** निबिडांधकारो यत्र । **कुंभीपाकः** कुंभ्यां पाको यत्र । **असिपत्रवनं** असिरूपपत्राणां वनं समूहो यत्र । यदीयपत्रैर्वर्ष्म विदार्यते । **तापनं** अग्न्यादिदाहो यत्रेति बोध्यम् ॥ २२४ ॥

घोरपदार्थमाह । **भयमिति** ॥ २२५ ॥

याज्ञवल्कीये २२६ श्लोकः ।

वक्ष्यमाणैरिति । 'वक्ष्यमाणलक्षणैरिति' पाठे वक्ष्यमाणस्वरूपैरित्यर्थः । **कामतः** । अ इति प्रश्लेषेणाह । **न काम इति** । पूर्वानुषंगेणान्वयः । तथा च पूर्वान्वयीदमिति सूचितं । **त्वर्थ**माह । **किंत्विति** । तत्र कामतः कृते पापे "एतेन कामतः कृते पापे तैरिह व्यवहार्यो भवतीति" **कल्पतरूक्तम्** । अज्ञानकृतपापप्रायश्चित्तेन कामकृतपापनाशो न किंतु व्यवहार्यतामात्रवचनात् । यद्वाऽकारप्रश्लेषाद्यथोक्तप्रायश्चित्तेन कामतोऽपि भावेऽपि व्यवहार्यो नेति **शूलोक्तं** चापास्तम् । उक्तयुक्तेः ।

असंगत्याभासं परिहरति । **अत्र चेत्यादिना** । **तुल्यत्वेति** तुल्यफलत्वेत्यर्थः । बुद्धिपूर्वं पूर्णमुक्ताहाबुद्धीति । **अधिगतः** बाधितः । उपदिष्ट इति यावत् ।

नन्वस्तु तुल्यफलत्वं तथापि नयोरव्यभिचाराभावेनावश्यसत्तायास्तत्राभावेन कथं तत्सांगत्यमत आह । **किंचेति** । बलात्कारनिरासायाह । **स्वतंत्रेति** । तस्य प्रवृत्तिरित्यर्थः । ज्ञानादेः प्रवृत्तिकारणत्वादिति भावः । **अविनाभावो** व्याप्तिः । ननु स्वतंत्रप्रवृत्तेरपि नोभयानियतत्वं तयोरविनाभावस्यैवासत्वेनान्यतराभावेऽपि तत्संभवादित्याशयेनाह । **न चेति** । **कामनाभावादित्य**कारप्रश्लेषः । यतः बलात्कारस्य प्रवृत्तिहेतुत्वात् चौरादिज्ञानं सुप्तकामनमेवेति भावः । अन्यत्र व्यभिचारमाह । **यस्त्विति** । अत्रेच्छा शुष्कपातविषया ज्ञानं तु कर्दमविषयामिति भेदः । **वास्तवेति** । शुष्कविषयकज्ञानाभावात्तद्विषयकामनायाः सत्या अपि असत्कल्पत्वं प्राग्वत् । यद्विषयमवास्तवमि. पृ. २३७. ज्ञानं तद्विषयेच्छास्त्येवेत्यर्थः । एवमन्यत्राप्याह । **प्रसंगादेवमिति** । **फलेति** । प्रारब्धकर्मणां भोगादेव क्षयादिति भावः । **यथेति** । यत इत्यादि क्रमते प्रवर्तते न तदपेक्षेति यावत् । **तत्रेति** । "अथ खल्वयं पुरुषः पापेन कर्मणा लिप्यते यथैतदयाज्ययाजनमभक्ष्यभक्षणमवद्यवदनाशिष्टस्याक्रियाप्रतिषिद्धसेवनमितीति" तदादिः । **'पाप्येनेति'** पाठे गर्हणीयेनेत्यर्थः । **'शिष्टस्येति'** विहितस्याकरणमित्यर्थः । **मीमासंते** विचारयंति । पूर्वपक्षमाह । **न कुर्यादिति** । **न हीति** । फलोपभोगमंतरेणेति भावः । अपरं मतं सिद्धांत इत्यर्थः । **पुनःस्तोमाख्यो** यागः प्रायश्चित्तरूपः । एवमग्रेऽपि । **यजत इति** । अभिशुताभिशस्यमानं याजयेदिति च बोध्यम् । पुनः पुनरपि प्राप्तः सवनमाध्यंदिनसावनसायंसवनसाध्यकर्म प्राप्नुवंतीत्यर्थस्तदाह । **सवनेति** । तथा च पुनः स्तोमादीनां प्रायश्चित्तानां श्रुतौ दर्शनात्पापोत्पत्तिवत्तन्नाशस्यापि शास्त्रैकगोचरत्वाद्युक्तैव

निष्कृतिरिति कर्तव्यमेव प्रायश्चित्तमिति भावः । मात्रपदेनोक्तार्थे प्रामाण्यनिरासः । प्राशस्त्ये एव तात्पर्यात् । **रात्रीति** "प्रतितिष्ठंति ह वा य एता रात्रीरुपयंती"त्यत्र प्रतिष्ठारूपफलवदित्यर्थः । 'उपस्थितामिति' **न्यायादिति** भावः । न्याय्यत्वादिति प्रायश्चित्तस्यैवाभावादित्यर्थः ।

हेत्वसिद्धिं परिहरति । **तदेति** । अवेत्यत्रान्वयः ।**अनभिसंधिरनिच्छा** । **प्रमाप्य** हत्वा । भृग्वग्निपतनादिकं तु तत्रापि· प्रायश्चित्तमस्तीत्याह । **भृग्वग्नीति** । **चेन** स्मृत्यंतरस्यापि समुच्चयः । तथाहि

"यः कामतो महापापं नरः कुर्यात्कथंचन । **न** तस्य शुद्धिर्विज्ञेया वन्हौ प्रपतनादृते ॥
"शरीरं न दहेद्यावत् ब्रह्महा पापकृत्तमः । तावत्तस्य न शुद्धिः स्याद्भगवान्मनुरब्रवीत् ॥
"प्राणांतिकं तु यत्प्रोक्तं प्रायश्चित्तं मनीषिभिः । तच्च कामकृतं प्राप्य विज्ञेयं नात्र संशयः॥"

इत्यंगिराः ।

"इयं विशुद्धिरुदिता प्रमाप्याकामतो द्विजम् । कामतो ब्राह्मणवधे जीवतो नास्ति निष्कृतिरिति॥" **कालिकापुराणे** इति ।

उक्तवचनद्वयगतिं क्रमेणाह । **यत्त्वित्यादि** । शेषमाह । **शुद्धीति** । अन्यथा विरोधः स्पष्ट एवेति भावः । ननु पूर्वं द्वादशवार्षिकाद्यवभृथस्नानांतानां त्रयोदशः प्रायश्चित्तानामुक्तत्वात्कथं तस्या एव परमर्शोऽत आह । **सर्वेति** । तेषामुत्सर्गतः प्रधानपरामार्शित्वात् । तस्या एषादावुक्तत्वाद्विकल्पेनाग्रिमपक्षाणामनुकल्पत्वेनोक्तत्वाःप्राधान्यात् । अत एवैकवचनसंगतिः । **भवदेवो**ऽप्येवं । **एतेन** प्रागुक्तसर्वस्य तेन परामर्शात्तत्र मरणास्याप्युक्तत्वाच्चिंत्यमिदम् । तस्माद्व्यवहार्यत्वरूपनिष्कृत्यभावपरं तत्सर्वं न तु पापनिष्कृत्यभावपरम् 'कामतो व्यवहार्यस्त्विति' मूलानुरोधादिति मूलोक्तमपास्तम् । उक्तयुक्तेः ।उक्तस्मृत्यंतरानुरोधाच्च । ज्ञानकामाभ्यां कृते प्रायश्चित्ताभावः । केवलकामकृते तु मरणमिति **श्रीकरोक्तं** तु न युक्तं । तयोरव्यभिचारस्य प्रतिपादितत्वात्पूर्वं तस्या एव मुख्यत्वेनोक्तत्वादाह । **द्वादशेति** । **मात्रं** कार्त्स्न्ये । **आदिना** तद्द्वैगुण्यादिपरिग्रहः । पुनस्तत्रैव विरोधमाशंकते । **नन्विति** । उभयत्र कामकृते च ज्ञानकृते तारतम्यमाह । **यत्र त्विति** । **पित्रिति** मातृपितृयोनिसंबन्धगामीत्यर्थः । इदमग्रे स्फुटीभविष्यति । आर्षत्वादानङ् पूर्वनिपातश्च न । **आदिना** पितृत्रित्यादिनोक्तानुपातकसंग्रहः । मात्रव्यवच्छेद्यमाह । **न पापेति** । शास्त्रप्रामाण्यादिति भावः । तदेव विशदयति । **द्वे हीति** । **इतरेति** । नरकोत्पादिकेत्यर्थः । एतेन शक्तेरैक्ये कथं विभाग इत्यपास्तम् । उपसंहरति । **तस्मादिति** । पूर्वपक्ष्यभिमतं खंडयति । **यत्त्विति** । नन्वेवं कामतः कृते प्रायश्चित्तं न स्यादत आह । **कामकारेति** । कामस्य कारः करणं तेन कृते इत्यर्थः । यद्वा कामकारः कामकर्ता कामी तेन कृते इत्यर्थः । इच्छापूर्वककरणे इति यावत् । **अपिना** पूर्वसमुच्चयः । **एके** मुख्याः सिद्धांतिनः । उभयथाऽपि व्यतिक्रमे प्रायश्चित्तं कर्तव्यमिति तात्पर्यम् । अस्य तत्वे हेतुमाह । **श्रुतीति** । "इंद्रो यतीन् शालावृकेभ्यः प्रायच्छत् । तमश्लीला वागभ्यवदत् । भ्रूणहन्निति । स प्रजापतिमुपाधावत् । तस्मा अयमुपहव्यं प्रायच्छदित्यादि" **श्रुतीत्यर्थः** । **अश्लीला** निष्ठुरा इंद्राय बुद्धिपूर्वकं श्वभ्यो यतीन् वादयितुं दत्तवते प्रजापतिरुपहव्याख्यं कर्म प्रायश्चित्तं दत्तवानित्यर्थः । अतः कामकृतेऽपि प्रायश्चित्तमस्तीति भावः । अपिना स्मृत्यंतरसमुच्चयः । तच्चाकामतः इति वक्ष्यमाणादि **अपिना**ऽन्यसमुच्चयः ।

पूर्वपक्ष्यभिमतं निराचष्टे । **न पुनरिति** । । उक्तहेतोरिदमपि पतनीये एव चेदपतनीये कामतः कृते कथमत आह । **अपतेति** । **अपिना** प्रागुक्तस्यैव समुच्चयः । **वेदाभ्यासः** कामतप्रायश्चित्तापेक्ष-लघुप्रायश्चित्तोपलक्षणं प्रायश्चित्तांतराणामपि विधानात् । **पृथग्विधैः** भिन्नैः । प्रायश्चित्तांतरैः । यद्यपि 'मुह वैचित्य' इति—धात्वर्थानुसारादज्ञानमात्रं मोहः । यथा शूद्रस्य ब्राह्मणीं मोहाच्छलत इत्यादौ तथाऽप्यत्र कामत इत्युक्तेर्न तस्य ग्रहणमपि तु धर्ममूढत्वमेतेन मोहशब्देन देवेंद्र-बुद्धिपूर्वो व्यतिक्रमः । "उच्यते पंडितैर्नित्यं पुराणेशांशपापन" इति सांकेतित**भविष्यपुराणोक्त**-मोहग्रहणमित्यप्यपास्तम् । न कामत इत्यादिप्रागुक्तमपि मरणांतिकप्रायश्चित्तभिन्नविषयमिति ध्वनयन् पतनीयेऽपि **गौतमोक्ते** विशेषमाह । **पतनीयेऽपीति** । **कर्मणि** प्रागुक्तान्यतमे । **फलांतरेति** । इह लोके फलाभावात्पारलौकिकमेव फलं कल्प्यं । तच्च पापापनोदनमेवेति भावः । **नास्येति** । अश्वमेधावभृथादिषु संभवत्स्वपि । **अस्यास्मिन्**जीविते इह लोके । **प्रत्यापत्तिः** शुद्धिर्नास्तीत्यर्थः । मृतस्य तु कल्मषं निर्हण्यते तेन पुत्रादिभिः संस्कारादि कर्तव्यमिति भावः । अन्ये तु पूर्वसूत्रं तन्निवृत्त्यर्थं मन्वते । प्रत्यापत्तिः पुत्रादिभिः पित्रादिभावेन संबंध इति **हरदत्तः** । **छागलेयोऽपि**

"प्रायश्चित्तमकामानां कामावाप्तौ न विद्यते । उपपातक एव स्यात्तथा चात्मोपघातने॥" । इति ।

कामावाप्तौ ज्ञानपूर्वपापनरकोपभोगनिवारकं तन्नास्ति उपपातात्मघातियोस्तु ज्ञानपूर्वत्वे-ऽप्यस्त्येव । आत्मघातार्थं विषभक्षणादिके कृते यदि जीवति तदा तदस्ति । अथ मृतस्तदा **तद्धितेच्छुना** कार्यमित्युभयथापि तदस्तीति न विरोधः । तथा च कामकृते मरणद्वैगुण्याचरणेनेह व्यवहार्यत्वस्य नित्यकर्मानुष्ठानप्रतिबंधकपापशक्तिनिरासस्य च सिद्ध्या कर्मस्वधिकाराद्विहित-**कर्मकरणेन** प्रत्यवायाभावात्पापांतरानुत्पत्तिरिति तत्सत्ताप्रतिपादकवचनाशयः । नरकोपभोगहेतु-भूतपापशक्तेरनपायात्तादृशप्रायश्चित्ताभाव इति नास्तीति वचनाशय इति तात्पर्यम्॥ २२६ ॥

याज्ञवल्कीये २२७ श्लोकः ।

व्यवहितसंगतिमाह । **निषिद्धाचरणादिकं** । तद्विशेषमाह । **यद्वापेति** । तस्य तत्त्वायाह । मि. पृ. २३८ **कारणांतरेति** । व्यापारांतरेत्यर्थः । अन्यथा तु न तत्वमिति भावः । 'ब्रह्मभ्रूणेति' भूते क्विबित्याह । **हतेति** । **निषिद्धेति** । यस्य या सुरा निषिद्धा तस्या इत्यर्थः । अनेनान्यत्र दोषा-ल्पत्वं सूचितम् । एवमग्रेऽपि । विशेषणफलं सर्वत्र बोध्यम् । **सुवर्णस्येति** । अशीतिरक्तिपरिमिता-**न्यूनस्वर्णस्येत्यर्थः** । अपहरणं च समक्षं । परोक्षबलाच्चौर्येण वा । **गुरुतल्पेति** । गुरुरत्र पिता । ननु तल्पशय्यायां प्रसिद्धेः कथं भार्यालाभोऽत आह । **तल्पेति** । प्रसिध्यप्रसिद्धिनिबंधनः शक्तिर्लक्षणा-व्यवहार इति मतेनेदम् । वस्तुतस्तु तत्रापि शक्तिरेव "तल्पं शय्याऽट्टदारेष्विति" **कोशादिति** (**अमरकोशे** ३।४।३४६.) बोध्यम् । गमनं चात्र रेतःसेकपर्यंत चेन्महापातकं तयोरर्वाङ्गि-वृत्तौ तनुपातकम् । महशब्देन कर्मधारय इत्याह । **महदिति** । ततोऽत इनीतीनिरित्याह **तद्यो-गीति** । ननु संज्ञाकरणस्य न किंचित् फलमत आह । **लाघवार्थमिति** । लघ्वर्थं संज्ञाकरण-मिति **महाभाष्योक्तेरन्यथा** सर्वेषां विशिष्य तत्र तत्रोपादाने गौरवं स्यादिति भावः । **एकशेष**-बोध्यसाहित्यनिरासायाह । **प्रत्येकमिति** । एतत्तत्त्वमग्रे तत्रैव स्फुटीभविष्यति । **तदाह्लेतीति** । इत्यादिवक्ष्यमाणरीत्येत्यर्थः ।

न्यूनतां निराचष्टे । **तथेति** । **प्रकारेति** । सदृशेत्यर्थः । **आदिना**ऽनुमंत्रादि । एवमग्रेऽपि । न तु तेषां स्वरूपमतः क्रमेणाह । **अन्वित्यादिना** । **च**स्त्वर्थे । उपरोधे निमित्तं सूचयन्नाह । **अमित्रमिति** । नन्वेतस्य दुष्टत्वे किं बीजं तादृशव्यापारस्य तत्राभावादत आह । **अत एवेति** । तस्य तत्सदृशत्वादेवेत्यर्थः । **हिंसेति** । हिंसाजन्यफलेत्यर्थः । एवमग्रेऽपि । कस्यचित्तदभावशंकानिरासायाह । **सर्वेषामिति** । निर्धारणषष्ठीयम् । **तत्र** तर्हि तस्मिन्विषये वा । ते सर्वे हंतृभिन्नास्तस्य तत्वस्यान्यतः सिद्धत्वात् । **स्वर्गेति** बहुव्रीहिः । **कर्मस्विति** विषयसप्तमी । तत्र तारतम्यमाह । **यो भूय इति** । भूय इति अव्ययमातिशयमित्यर्थकम् । **तत्र** प्रयोजकादीनां मध्ये । **तत्र** तेषां त्रयाणां मध्ये । आदिनाऽधीष्टादि । **तत्र** च उपदेष्टृविषये ।

उभयत्र शंकते । **नन्विति** । अनुमननस्य संप्रत्यपर्यायस्यानुज्ञानस्य प्रवृत्युत्तरव्यापाररूपमनुमननांतरमाह । **न चेति** । **अहेतुत्वादिति** अन्वयव्यतिरेकव्यभिचारादिति भावः । अत एवाह । **व्यर्थेति** । **यत्र हीति** । स्वयं मनसा प्रवृत्तोऽपि भृत्यादिर्यत्र स्थले राजादिपारतंत्र्याद्यन्यतरं भयं ततः शिथिलप्रयत्नतः सान्नित्याद्यर्थः । अत्रान्वयव्यतिरेकयोः सत्वात्तत्वमिति भावः । एवं चैतत्परमेवेदं न सार्वत्रिकमिति बोध्यम् ।

निमित्तकर्त्तारमाह । **तथेति** । **आक्रुष्टः** । निर्भित्सितः । मन्यूत्पादने निमित्तांतरमाह । **तथेति** । अन्वयव्यभिचारेणातत्वमाह । **न चेति** । **कस्यचित्**शांतस्य विरक्तस्य **पुरुषेति** । तथा च मन्यूनां नानात्वेन मन्युसामान्यं प्रति आक्रोशाद्यन्यतमस्य हेतुत्वासंभवान्मन्युविशेषं प्रति तस्य हेतुत्वस्यावश्यं वाच्यत्वेन पुरुषभेदेनापि भेदं विवक्ष्य तत्पुरुषे विजातीयमन्युं प्रति तस्य हेतुत्वमिति नोक्तदोष इति तात्पर्यम् । तदाह । **येऽल्पेति** । एवमेतेषां साम्येन फलसंबंधे उक्ते प्रायश्चित्तसाम्यं स्यादत **आहैतेषां चेति** । **गुरुशब्दः** सर्वत्र धर्मपरः साक्षात्कर्त्रंशे उत्तम-

मि. पृ. २३९ **प्यापस्तंबीयं** युक्तितौल्येनाप्याह । **यो भूय इति** । ततः अनुग्राहकात् । तत्रापि तारतम्यमाह । **प्रयोजेति** । उक्तमेव व्यतिरेकमुखेन द्रढयति । **यदीति** । **प्रयुक्तिः** प्रेरणा । **स्थपति**र्मांडलिकः । स च तडागकर्त्ता च तत्खनिता तदादीनामित्यर्थः । **जैमिनिन्यायमाह** । **शास्त्रेति** । **देवकुलं** देवालयः । **अस्वर्गेति** । स्वर्गकामनारूपाधिकाराभावादित्यर्थः । प्रकृते वैलक्षण्यमाह । **अत्र पुनरिति** । **प्रयोजकात्** त्रिविधात् । अत एवाह । **प्रयोजेति** । तद्विना तदप्रवृत्त्या तस्यांतरंगत्वमत्र तु नैवमिति तत्वम् । इति भावः । अत एव लघुत्वमपि मात्रमवधारणे येनातिप्रसंगः स्यात् । किंत्वन्यथासिद्धत्वघटितेन तेनेति प्रकृते तत्र तयोरन्यथासिद्धत्वान्न तत्वमिति ।

नन्वेवं तदीयपूर्वभावित्वस्य का गतिरत आह । **कारणेति** । **तथेति** । पूर्वेत्यर्थः । तदेवोपपादयति । **यदिति** । स्वरूपातिरिक्तत्वमपि व्यापारविशेषणम् । अत्रोदाहरणमाह । **यदीति** । **सोम**स्तदाख्यो यागः । तदेवाह । **न हीति** । प्रसंगात्तुल्ययुक्त्याऽन्यदप्याह । **अनेनैवेत्यादि** । **कूपखेति** बहुव्रीहिः । उपसंहरति । **अत इति** । अन्यदपि तद्वदाह । **तथेति** । **गोरिति** पूर्वान्वयि । सर्वत्र निमित्तसप्तमी । संप्रदानस्याधिकरणत्वविवक्षया सप्तमी । योददत्स इत्याद्यन्वयः । दाहेति तत्सिद्ध्यर्थं दाहादिरूपं प्रयत्नैरुपकुर्वतां तत्र विद्यते इत्यर्थः । तत्रापि शेषमाहैतच्चेति । औषधदानरोगनिदानयोर्यो निपुणः स तद्विषयमित्यर्थः । **दर्शित इति** । व्यवहाराध्याये

इति भावः । अन्यदप्याह । **यत्रेति** । **तुरुक्तवैलक्षण्ये** । मन्योर्निमित्तभूतमाक्रोशनादिकमित्यर्थः । दोषिपुरुषस्य तथा करणे बीजमाहो**न्मोति** । **अकारणमिति** क्रियाविशेषणम् । अन्यदप्याह । **तथेति** । **आक्रोशकेति** बहुव्रीहिः । **प्रहृत्येति** दैवात्तदानीं मरणाभावेन स्थित इति शेषः । **मरणादिति** । कालांतरमरणादित्यर्थः । अत्र मत्कृतप्रहारे उद्दिश्येति आक्रोशकादिकमुद्दिश्य कोपपूर्वकप्रहारवान्तेन धनं दत्वा तोषितः सन् पश्चात् जनान् श्रावयेत्तदा तस्मिन्कालांतरे मृते तस्य न दोष इत्यर्थः । 'हत्वेति' पाठे कुपित आत्मानं खड्गादिना प्रहृत्य स्थितो धनं तत्वेति शेषेण तोषित इत्याद्यर्थः । तद्वत्तेनापि श्रावणं कर्तव्यमित्याह । 'तयोरिति' कर्तुः शेषत्वविवक्षया षष्ठी । ताभ्यां आत्मघातकाक्रोशकाभ्यां तस्मिन्कृते सति तस्य न दोष इत्यर्थः । 'द्वयोरुच्चारणे कृते' इति पाठेऽप्येवं बोध्यम् ।

मि. पृ. २४०

नन्वेतेषामुत्तरोत्तरं दोषाल्पत्वं यथोक्तं तथा प्रायश्चित्तमपि वाच्यं मूलानुक्तत्वादत **आहैतेषां चेति** । तत्प्रसंगस्य तत्रैव सत्वादिति भावः । **विशेषमिति** जातावेकवचनम् । ॥ २२७ ॥

याज्ञवल्कीये २२८ श्लोकः ।

एवं महापातकान्युक्त्वा तत्सदृशान्यनुपातकानि वक्तुमुद्देशक्रमेणादौ तदाह । **ब्रह्मेति** । **गुरूणामिति** । पित्रादीनां सर्वेषामित्यर्थः । बहुवचनबलादिति भावः । अधेरर्थमा**हाधीति** । निंदार्थकाधिक्षेपपादार्थमाहा**नृतेति** । ज्ञाताज्ञातमिथ्यापतनीयपापाभिशंसनमित्यर्थः । तत्र मानमाह । **गुरोरिति** । अत्र जातावेकवचने क्षेपशब्द एवोक्तार्थकः । **अध्यधीति** उपर्युपरीत्यर्थकमिति तु **मदनः** । विशेषमाहै**तच्चेति** । **लोकेत्यनेन** स्वनिरासः । **दोषमिति** । परेषां दोषं बुध्वा समाख्याता पूर्वो न स्यादित्यन्वयः । तथा च दोषबाहुल्येन निमित्ते तत्रापि महत्वं कल्प्यमिति प्रथमत एव दोषकथनं निषिद्धमिति तत्रैव तत्समप्रायश्चित्तमिति भावः । नास्ति एवं परलोकाभावादिब्राह्मणविषये महापतकस्यैवोक्तत्वादाह । **बाह्मेति** । **असच्छास्त्रेति** । **चार्वाकादि**शास्त्रेत्यर्थः । चार्थसमुच्चये तत्ववारणायाह । **प्रत्येकमिति** । चस्य त्वन्यथाऽप्युपपत्तेरिति भावः । अविरोधमाह । **यत्पुनरिति** । **कथंचित्वं** मरणान्वायि ॥ २२८ ॥

याज्ञवल्कीये २२९ श्लोकः ।

विड्वराहो ग्रामसूकरः । **शेषेषु** प्रागुक्तषडन्येषु । **तेनैव मनुनैव** । 'जैह्ममिति' पाठे उद्गात्रादित्वादञ् । जेह्ममिति पाठे ब्राह्मणादित्वात् ष्यञ् । अस्यादृष्टचरत्वानिरासायाऽऽह । **अस्ति चेति** । **निमित्तेति** । उद्देश्येत्यर्थः । **हविरिति** । "यस्योभयंहविरार्तिमार्छेदैंद्रं पंचशरावमोदनं निर्वपेदि" त्यत्र तथा सत्येकहविर्नाशेऽपि तत्सिद्धिरिति भावः । **द्वयेति** । द्वयस्य निष्पादकेत्यर्थः । **समुत्कर्षे** इति निमित्तसप्तमीत्याह । **समुदिति** । आत्मन इत्यादिः । **अचतुर्वेदे** एव स्वस्मिन्सेवनं तन्मुखचुम्बनं ॥ २२९ ॥

याज्ञवल्कीये २३० श्लोकः ।

स्त्र्यादिद्वंद्वं कृत्वा पुनरश्वादिद्वंद्वः । तस्य च हरणमित्यत्रानुषंगः । उक्तयुक्त्यैवाऽऽह ।

मि, पृ. २४१.

ब्रांह्मेति । **एतादिति** । सर्वं प्रत्येकमित्यर्थः ।

याज्ञवल्कीये २३१ श्लोकः ।

सखीतिबहुवचनांतानां द्वंद्वः । गमनमित्याध्याहारः । विशेषपरत्वे बीजमाह । **सत्वेति** । व्यवहारे मूलोक्तिरेवेयम् । **तत्रैव** उत्तमजातीयायामेव तस्यां । **स्वयोनिरिति** बहुव्रीहिः । एकोदर-प्रसूतेत्यर्थस्तदाह । **भगिनीति** । **चांडालीति** । न तु रजक्याद्यास्तत्र प्रायश्चित्तस्य स्वल्पत्वात् । इदमप्युपलक्षणं । तथा **चांगिराः**

"चंडालः श्वपचः क्षत्ता सूतो वैदेहकस्तथा । मागधायोगवौ चैव सप्तैतेऽत्यावसायिनः"॥ इति ।

प्राग्वदाह । **प्रत्येकमिति** । विशेषमाह**ैतच्चेति** । प्रायश्चित्तस्य गुरुत्वादिति भावः । स्त्री-ग्रहणेन जायाभिन्नास्वपि निषेध इत्याहुः । गुरूपभुक्तसाधारणास्त्रीगमने न गुरुतल्पगत्वदोषः । तथा च **व्याघ्रपादः**

"जात्युक्तं पारदार्यं च कन्यादूषणमेव च । साधारणास्त्रियो नास्ति गुरुतल्पत्वमेव चेति ॥"

पौनरुक्त्यं परिहरति । **सगोत्रेति** । तथा च **हारीतः** "मातृदुहितृस्नुषागमनामित्यतिपातकानि" ।

"अतिपातकिनस्त्वेते प्रविशेयुर्हुताशनम् । न ह्यन्या निष्कृतिस्तेषां विद्यते हि कथंचन" ॥

इति प्रागुक्तसर्वतात्पर्यमाहात्र **चेति** । तन्निमित्तपरिगणनप्रकरणेत्यर्थः । **उपेति** अतीत्यर्थः । एवमग्रेऽपि ।

सर्वत्र शंकते । **नन्विति** । हेत्वसिद्धिमाह । **न चेति** । एवमात्रशब्दौ मिथो व्यावर्तकौ । **न मेति** । येन तत् बलाद्दोषगौरवं कल्पेतेति भावः । **किंत्विति** । एवं च न तत्प्रायश्चित्तं किं त्वदितिनोक्तदोष इति भावः । तथा सत्येतेषामपि महत्वेन महापातकत्वांतर्गतत्वेन भेदोक्ति-रनुपपन्नेत्याह । **यत इति** । ननु तर्हि किंतदेव प्रायश्चित्तमत्रानुष्ठेयमित्यत आह । **तच्चेति** । **किंचिदिति** । इदमग्रे स्फुटीभविष्यति । **आदिना** ऋषिसमो ब्राह्मण इत्यादि । ननु सति तात्पर्येऽतस्तथैवास्तामत आह । **महत इति** । अविरोधमाह । **एवं सतीति** । ततोऽन्यूनत्वे सति इत्यर्थः। **ब्रह्मोज्झता** अधीतवेदस्यानभ्यासेन विस्मरणं नित्यस्वाध्यायविधेस्त्यागो वेति **मेधातिथिः**। कौटसाक्ष्यं समुत्कर्षादन्यत्रापीति सः । गर्हितानद्ययोरिति पाठे **गर्हितं** पलांड्वादि । **अनद्यममेध्यादीति स्मृतिमंजर्यां**। गर्हितं शास्त्रानिषिद्धमपि लोके निंदितम् । अनद्यं लशुनादीति **तु कल्पतरुः**। गर्हिता-नाद्ययोरिति पाठे गर्हितं शास्त्रप्रतिसिद्धं लशुनादि । अनाद्यम् अमनस्तुष्टिकरं न भोज्यमेतन्मयेति संकल्प्य यद्भुज्यते तदपि अत्तुमनर्हत्वात् इति **मेधातिथिः** । **एवमिति** विकल्पविषये इति भावः । अत एवाह । **यस्त्विति** । **अलीकेति** । असत्याभिधानेन चित्तसंक्षोभे इत्यर्थः । कन्या ते गर्भिणीत्येवमादिना निष्प्रयोजनो द्वेषः । कृच्छ्रस्यानेकविधत्वादाह । **द्वादशेति**। **चः** समुच्चये । मतिपूर्वेऽभ्यासे च तदाधिक्यात् ॥ २३१ ॥

याज्ञवल्कीये २३२,२३३ श्लोकौ ।

समपदाभावादाह । **गुरुतल्पातीति** । अन्यत्रान्यशब्द इति **न्यायादिति**भावः । **स्वसार-मित्यस्य** मध्यमणिन्यायेनान्वयः । **तनयां** स्वसुताम् । तत्र विषये पुंसि वा कार्य इति शेषः । तस्येतिपाठांतरं तदाह । **तस्येति** । पुनस्तस्यासत्वादाह । **प्रायश्चितीति** । मिथः समुच्चयस्या-

मि. पृ. २४२, न्यथाऽपि सिद्धेराह । **चेति**। स्त्रीपदं त्रिभिः प्रत्येकमन्वयि । **तत्सखी** भगिनी-

सखी । **धात्री** उपमाता । **साध्वी** पतिव्रता । **उत्कर्तनात्** तत्पूर्वकवधात् । विशेषमाह । **राज्ञीति । उपदेशादिति** । इदमग्रे स्फुटीभविष्यति । योगार्थस्यातिप्रसक्तत्वाद्रूढिमप्याह । **मात्रिति** । नन्वत्र मातृपदमनुचितं तत्र तस्य मुख्यत्वादन्यथाऽन्यत्रातिदेशो न स्यादत आहात्र **चेति । नारदीये** इत्यर्थः । यथा तत्र तत्वं तथाऽत्रापीति वचनव्यक्तेरिति भावः । विशेषमा- **पंचेति न जात्विति** । व्याख्यातम् । **वधस्यैवेति । अत्रेत्यादि** दंडरूपस्येत्यर्थः । नन्वेवं ब्राह्मणे किंप्रायश्चित्तमत आहा**स्य चेति** । विप्रस्य प्रायश्चित्तरूपविषयमित्यर्थः । प्राग्वदाह । **अत्र चेति** । अतिदेशमध्ये इत्यर्थः । इदमग्रे स्फुटीभविष्यति ।

तुर्यपादं व्याचष्टे । **यदा पुनरिति** । तत्र लिंगाभावादाह । **वध एवेति** । एतेषां संज्ञाया अनुक्ते- **राहैतानीति । यथाह यम इति** । गत्वेत्यस्य यास्तासामान्यतमामित्यादिः । **मातृपितृयोनि- संबद्धांगेति** । अत्र **हरदत्तः** "मातृसंबंधा मातृपक्षेऽर्वाक् पंचमात् भवाः । पितृसंबन्धास्तत्पक्षेऽर्वाक् सप्तमाद्भवाः । योनिसंबन्धा भगिन्यादयः । य एता भार्यात्वेनाधिगच्छति स मातृपितृयोनिसंबंन्धगः।" **स्तेनो** ब्राह्मणसुवर्णापहारी । **नास्तिकः** प्रेत्यभावापवादी । निंदितं प्रतिषिद्धं तत् बुद्धिपूर्वकं सातत्येन योऽनुतिष्ठति स निंदितकर्माभ्यासी । पतितान् पुत्रादीन्स्नेहादिना यो न त्यजति स पतितात्यागी । यस्त्वपतितानपि द्वेषादिना त्यजति सोऽपतितत्यागी । एते सर्वे पतिताः । पातकैः कर्मभिः परान्ये संयोजयंति तेऽपि तथेति । एतेषां च गुर्वधिक्षेपादितनयागमनांतानां । **तुल्यानीति** । 'कल्पनीति' पाठांतरं । न केवलं संज्ञाकृतं वैलक्षण्यं किंतु फलकृतमपीत्याह । **तथा चेति । पात- केषु** । महापातकसमेषु प्रागुक्तेषु । **सहस्रं** वर्षसंख्यया नरकमित्याद्यन्वयः । द्विगुणं वर्षसहस्र- मेव तुरीयं वर्षसहस्रस्यैव । यत्तु **विष्ण्वादिभिः** कल्पमन्वंतरचतुर्युगादेर्नरकोपभोगकालत्वमुक्तं तत्पातकतारतम्येन व्यवस्थितं ज्ञेयमिति भावः ॥ २३२ ॥ २३३ ॥

याज्ञवल्कीये २३४-२४२ श्लोकाः ।

मि. पृ. २४३. उपपातकत्वमविशेषात्सर्वत्रेति सूचयन्नाह । **गोपिंडेति** । लक्षणेति भावः । 'व्रात्यः संस्कारहीनः स्यादिति' **कोशो** विशेषपर इति सूचयन्ननति- प्रसंगायाऽऽह । **काले इति** । षोडशद्वाविंशतिचतुर्विंशतिपंचदशैकविंशतित्रयोविंशतिकवर्ष- रूपब्रह्मक्षत्रविडुपनयनकाले तदभाववानित्यर्थः । अत एव सावित्रीपतिता व्रात्या इति संगच्छते । **गृहीतस्येति** । आत्मपितृपितामहादिभिरुत्तमर्णादित्यादिः । अविनिगमकत्वादाह । **तथा देवेति** । यज्ञाध्ययनप्रजारूपस्येत्यर्थः । ब्रह्मचर्याद्यकरणमपि **दैवऋणं अनेति** । अग्न्याधानाभाव इत्यर्थः । काम्यत्वाभिप्रायेणाशंकते । नन्विस्वंयागः । अयं भावः । यदाहवनीये जुहोतीत्यादिनाऽग्नीनां तत्र विनियोगः । न चाधानेन विना तेषां निष्पत्तिरित्यग्निषु प्रयुक्ताधानमपि प्रयुक्तमिति न स्वर्गार्थं नाधिकारांतरसंपत्यर्थं वाऽग्नीनादधीतेत्याधानं किं त्वग्निनिष्पत्त्यर्थमेवेति न विहिताकरणप्रयुक्त- दोषसुवर्णाद्यनार्जकस्यैवेति तद्वत्फलसत्वे एवाग्न्यर्जनमिति नित्यत्वाशयेन समाधत्ते । **उच्यते इति अस्मात्** । मूलोक्तदोषादेव वेदस्य नित्यत्वस्य प्रागुक्तत्वादाह । **नित्येति** । सत्यधिकारेऽग्नीनाद- धीतेत्यादिश्रुतय इत्यर्थः । अधिकारः कामना । **आधेति** नित्यादिः । **अपेति** निषिद्ध- विक्रयस्येत्यर्थः ।

सहोदरेत्यनेन भिन्नोदरनिरासः। तथा च गौतमः 'भिन्नोदरे च पितृव्यतनये तथा दाराग्निहोत्रसंयोगे न दोषः'। परिवेदन इति भिन्नोदरे सापत्नभ्रातरि दत्ते जनककुले ज्येष्ठभ्रातृसत्त्वे तस्य विवाहादौ परिवेत्तृत्वं न। नापि ज्येष्ठस्य परिवित्तित्वं। इदमथ द्व्यामुष्यायणदत्तकपरं द्व्यामुष्यायणे त्वस्त्येव दोष इति दानहीरावली। पितृव्यतनये इति तु देवरेणोत्पादितस्य भ्रातुः क्षेत्रजाः। पुत्रस्य विवाहादौ देवरपुत्रादेर्न परिवेत्तृत्वादिदोषः। नापि देवरपुत्रविवाहौ क्षेत्रजस्येत्याशयकं। न यथाश्रुतपितृव्यपुत्राभिप्रायं परिगृहीतस्य तस्य दत्तपदेनैव संग्रहादपरिगृहीतस्य प्रसक्त्यभावेन निषेधाप्रवृत्त्या प्रतिप्रसवासंभवादिति दिक्। इयं च "षष्ठी चानादरे" इति षष्ठी। तमनादृत्येत्यर्थः। अग्रिमविशेषणद्वयफले तु स्फुटे एव। तथा च स परिवेत्ता परिविविदान इति चोच्यते। एवं ज्येष्ठायामनूढायां या कनिष्ठा विवाहिता साऽग्रेदिधिषू ज्येष्ठा तु दिधिषूः। एवमनाहिताग्नौ ज्येष्ठे कनीयानादधीतेत्यर्थः। भ्राता कनिष्ठः। ज्येष्ठः पर्याहित इति बोध्यम्।

भृतादित्यस्यार्थमाह। पणेति। पणपूर्वकमेव योऽध्यापयति तस्मादित्यर्थः। द्वितीयस्यार्थमाह। पणेति। तत्समेत्युपलक्षणं तदातिदेशिकस्यापि। कनीयसि भ्रातरि। तद्वान् परिवित्तिः। निषिद्धेति। धान्यवृद्धिजीवनमपि तदिति मदनः। लवणक्रियेत्यस्यार्थमाह। लवणेति। एतच्च वानप्रस्थभिन्नस्य। तस्य तु 'लवणं च स्वयंकृतमिति' मनुनोपदेशात्। स्त्रीशूद्रेति खंडेन व्याचष्टे। स्त्रिया इति। अपिना अब्राह्मणीसमुच्चयः। आत्रेयी रजस्वला गर्भिणी अत्रिगोत्रोत्पन्ना चेति त्रिविधाऽऽत्रेयीत्यर्थः। इदमुपलक्षणम्। अग्निहोत्रिणी सवनस्था च या तद्भिन्नाऽपीति मदनः। तत्रानुपातकत्वात्। अत एवाहादीक्षितेति। अन्यायेति शास्त्रोक्तान्येत्यर्थः। ब्रह्मेति द्विविधस्येत्यर्थः। आदिना वेदनिंदनकृतजीवन अनिषिद्धविक्रयस्यापि पण्यस्याराजस्थापितार्घोपजीवनमिति मदनः। ग्रहणं स्यापि। अयेति सामान्यग्रहणं। स च दास्यार्थमिति बोध्यं। एवमात्मभार्याविक्रययोरपि बोध्यम्। असारेति स्वर्णरूप्याभ्यामन्यादित्यर्थ। नित्यार्थमिति। अत्र विहितप्रायश्चित्तावश्यकत्वार्थमित्यर्थः। प्रायश्चित्तगौरवार्थमिति यावत्। तत्फलितमाहात इति। जातीति यथासंख्यमन्वयः। आदिना पतितादिगृहादिति। अरक्षणमपि तथेति मदनः। आरामपदार्थ-

मि. पृ. २४४. माहोद्यानेति। विदेति मिथ्यातदोषख्यापनमपि तदिति बोध्यम्। तद्ध्वनयन्नाह। न त्विति। तस्य च तस्यैव च। परिविंदकस्यैव च शेषे षष्ठी। तु हि यतः। अशिष्टेष्विति। अविहितेष्वनिषिद्धेष्वित्यर्थः। शास्त्राविरुद्धेषु शिष्टाद्दतेष्विति यावत्। इदं च 'सम्यक्संकल्पजः कामः' (आचारे ७) इत्यनेन प्रतिपादितं। अपिना देवताराधनाद्यर्थं गृहीतब्रह्मलोपस्य प्रायश्चित्तार्थं प्रक्रांतकृच्छ्रादिव्रतच्युतेः संकल्पात्मकव्रतस्य त्यागमित्याकरणान्यतररूपस्य तस्य च समुच्चयः शिष्टाप्रति पाठांतरं। एवंरूपेष्वित्यनेन मया भोजनव्यतिरेकेण जलं न पातव्यमित्यादिपरिग्रहः। प्राप्त्यर्थमिति। उपपातकत्वप्राप्त्यर्थमित्यर्थः। अतिप्रसंगभंगमाह। न त्विति। तत्र स्नातकव्रतलोपे। अग्रेऽन्वयः। स्नातकेति "वेदोदितानां नित्यानां कर्मणां समतिक्रम" इत्यस्य पूर्वार्धं। सामान्यस्य विशेषपरत्वे मानमाहाद्यमिति। तस्यैव पाकस्यैव। ननु वैपरीत्यं कुतो नात आह। क्रियेति। मात्रं कार्त्स्न्ये। अद्यमित्यत्रान्येषामपि कल्पनापत्त्या मूलाभूतनानाश्रुतिकल्पनापत्त्या च गौरवं स्यादित्यर्थः। प्रतीत्युभयान्वयि। निषादस्थपत्यधिकरणन्यायेनाऽऽह।

मद्यपाया इति । अन्यत्र सामान्येन दोषस्योक्तत्वादाह । **जायेति** । **अपिना** अन्यस्या अपि । अत एव स्त्रीयुक्तिः । प्राग्वदाह । **श्रौतेति** । **संस्कारेति** । जातकर्मादित्यर्थः । **सतीति** संभाषणाद्यकरणमपि तथेति बोध्यं । **तत्र** तेषां मध्ये । **स्त्रीधनं** व्यवहारे निरूपितं । अत्रोदाहरणमाह । **यथा हि कर्मेति** । उक्तमिति शेषः । सामान्यग्रहणादाह । **भार्येति** ।. जामिरपतिका । प्रवर्तनं प्रेरणं । इदमुपलक्षणं जालबडिशादिविधानरूपं तृणादिमहायंत्रप्रकर्तनरूपं चापि बोध्यम् । शूद्रप्रेष्यमित्यस्यार्थमाह । **शूद्रेति** । **हीनेष्विति** । जातितो गुणतश्चेत्यर्थः । **साधेति** वेश्यादीत्यर्थः । **चार्वाकादीति** । वेदविरोधिन इत्यर्थः । सर्वग्रहणेन ग्रामादिनियोगव्यवहारदर्शनदंडग्रहणनियोगादेरपि परिग्रहः । **विक्रय इति** । प्राग्वदयं बोध्यं **आदिना**ऽसत्प्रतिग्रहादि । तथा च **मनुः**

"गोवधोऽयाज्यसंयाज्यं पारदार्यात्मविक्रयं । गुरुमातृपितृत्यागः स्वाध्यायाग्न्योः सुतस्य च ॥
"परिवित्तिताऽनुजेनूढे परिवेदनमेव च । तयोर्दानं च कन्यायास्तयोरेव च याजनं ॥
"कन्याया दूषणं चैव वार्द्धुष्यं व्रतलोपनं । तडागारामदाराणामपत्यस्य च विक्रयः ॥
"व्रात्यता बांधवत्यागो भृत्याध्यापनमेव च । भृताच्चाध्ययनादानमपण्यानां च विक्रयः ॥
"सर्वाकरेष्वधीकारो महायंत्रप्रवर्तनम् । हिंसौषधीनां स्त्र्याजीवोऽभिचारो मूलकर्म च ॥
"इंधनार्थमशुष्काणां द्रुमाणामवपातनं । आत्मार्थं च क्रियारंभो निंदितान्नादनं तथा ॥
"अनाहिताग्निता स्तेयमृणानां चानपक्रिया । असच्छास्त्राधिगमनं कौशीलं व्यसनक्रिया ॥
"धान्यकुप्यपशुस्तेयं मद्यपस्त्रीनिषेवणं । स्त्रीशूद्रविट्क्षत्रवधो नास्तिक्यं चोपपातकम् ॥" इति ।

संयोज्ये भावे पदार्थेपारदार्ये मत्वर्थेनंनाद्भावे ष्यञ् । त्यागस्याग्रेऽध्याहारः । भृत्या मूल्येन ओषधीनामशुष्काणां हिंसा छेदः । स्त्र्याजीवः स्त्रिया जीवनमुक्तमेव । अभिचारः श्येनादिना मारणं । मूलकर्म मंत्रौषधादिना वशीकरणं । निंदितान्नस्य लशुनादेः सकृदनिच्छया भक्षणं । बुद्धिपूर्वाभ्यासे तु सुरापानसमत्वमुक्तं । कौशीलं कुवृत्तं । चारणत्वं नर्तकत्वं गायकत्वं च वादकत्वं ।

चरमतुर्यपादार्थमाह**ैषामिति** । **अन्यानि** उपपातकतः । तान्येव क्रमेणाह । **ब्राह्मणेति** । **रुजःकृत्यं** दंडहस्तादिना शरीरपीडाकरणं । शास्त्रे भक्षणप्रतिषेधवत् घ्राणप्रतिषेधस्याभावेऽपि यदभक्ष्यं तदघ्रेयमित्यस्य यागार्थमुपात्तस्य घृतादेरभक्ष्यत्वेऽप्याघ्रेयत्वसत्वेनाभावेऽपि तीक्ष्णदुर्गंधविशिष्टं घ्राणविकारजनकं मद्यसाहचार्यादभक्ष्यं लशुनपुरीषादि **अघ्रेयं** । **मृगाः** आरण्याः रुरुपृषतादयः । अजश्चाविश्च । स्वार्थे कः । वध इत्यस्य पूर्वत्राप्यध्याहारः । **निंदिताः** जातिकर्मदुष्टाः प्रागुक्ताः । तेभ्यो धनग्रहणं प्रतिग्रहतो न । तथा च दत्तस्य ग्रहणमस्त्येव । असभ्यस्य अरुचिकरस्य । असत्यस्येति प्रचुरः पाठः । **वयसां** पक्षिणां । हत्या हिंसा । **मद्येति** मद्येन सहैकस्मिन्पीठकादावानीतस्य मूलफलादेर्भोजनमिति बहवः । मद्यानुगतस्य मद्यसंसृष्टस्य तदिति तु **मेधातिथिः** । **एधः** काष्ठं । **अधैर्यं** स्वल्पेऽपि निमित्तेऽतिवैकल्यं । **अनुक्रमाहात इति** । उक्तादित्यर्थः । **जातं** समूहः । अत्र मानं दर्शयितुं संज्ञांतरमपि प्रदर्शयितुं चाह । **बृहदिति** ।

मि॰ पृ॰ २४५ स्वार्थे इयसुन् । **तत्संयोगश्चेति** महापातकमिति वचनविपरिणामेनान्वयः । अतिपातकान्याह । **मात्रेति** । **माता** सपत्नमाता । अनुपपातकान्याह । **यागस्थेत्यादि** ।

यागस्थेति दीक्षितेत्यर्थः । वैश्येऽप्येवं बोध्यं । **अविज्ञातेति** स्त्रीत्वादिनेत्यर्थः । पत्न्याश्चतुर्भिः संबंधः । एवमग्रेऽपि । पूर्वनिपातप्रकरणानित्यत्वादत्र प्रयोगसाधुता सर्वत्र बोध्या । इत्येतान्यनुपातकानीति पाठः ।

उपपातकान्याहान्नृतेति । **राजगामि** राज्ञा श्रूयमाणं । **अभोज्येति** । भोजने निषिद्धानामित्यर्थः । जलचरा जलकुक्कुटादयः । **जलजा** मीनादयः । **प्रासंगिकं** जातिभ्रंशकरादि । **आदिना** जातिभ्रंशादिपरिग्रहः । ननु पतनहेतुत्वेनाऽऽह । **पतनेति** । उक्तमेव व्यतिरेकमुखेन द्रढयति । **यदीति** । **परीति** । **गौतमाभ्यामिति** भावः । **अर्वीति** तस्यानेकत्वात्तदेवाह । **द्विरिति** । ननु सर्वस्यापि ग्रहणमस्तु । अत आह । **तत्रेति** । विशेषशून्येऽभ्यासमात्रेऽगीक्रियमाणो इत्यर्थः । **यत्रेति** । कर्मविषये इत्यर्थः । तस्यासार्वत्रिकत्वादाह । **प्रायश्चित्तेति** । अन्यतरत्तु सार्वत्रिकमिति भावः । अतिप्रसंगदत्तं वारयति । **द्विवेति** । **पातित्यं** तद्धेतुत्वं । उपसंहरति । **अत इति** । ॥ २३४ ॥ ॥ २३५ ॥ ॥ २३६ ॥ ॥ २३७ ॥ ॥ २३८ ॥ ॥ २३९ ॥ ॥ २४० ॥ २४१ ॥ ॥ २४२ ॥

याज्ञवल्कीये २४३ श्लोकः ।

अनतिप्रसंगायाह । **कृत्वेति** ।

"ब्रह्महा द्वादशसमा कुटीं कृत्वा वने वसेत् । भैक्षाश्यात्मविशुध्यर्थमिति" तदादिः इदं च
मि. पृ. २४६ कपालभेदसंभवे । तदसंभवे तु तदेकदेशाभ्यामुभयं कार्यं । **घातेति** । प्रार्थयंतीति वणिच् । **अन्यस्य** दैवान्मृतस्य । खट्वा चात्र शवनिर्हरणार्थं । तदंगमेव ध्वजशब्देन विवक्षितमित्यपरार्कोक्तिं खंडयति । **न पुनरिति** । रूढिर्योगमिति **न्यायव**ल्लोकप्रसिद्धितः शास्त्रप्रसिद्धेरत्र बलवत्वाच्चेति भावः । तस्य वासस्थानान्याह । **तथेति** । पक्षांतराण्याह । **ग्रामेति** । आदिग्राह्यमग्रे स्फुटमेव । **अंतशब्दः** समीपवाची । गोब्राह्मणहितेरत इति पाठांतरम् । **तेनैव मनुनैव** । वाशब्दो न प्रागुक्तवनापेक्षया विकल्पबोधकस्तस्य बहुव्यवहितत्वात् तं विनाऽपि वचनद्वयप्रामाण्याद्विकल्पस्य लाभाच्चात आह । **कृतेति** । तथा च स पूर्वान्वयी नोत्तरान्वयीति भावः । **बालेति** । चमरीलोमवस्त्र इत्यर्थः ।

अग्रिममूलार्थमाह । **तथेति** । ताच्छील्ये णिनिरिति भावः । अत एव वक्ष्यति । **नियम** इति । **आगाराणि** गृहाणि । एवेनाधिकनिरासः । **मृष्टं** श्लक्ष्णं । **वशिष्ठेति** । **यमोऽपि**

"सप्तागाराण्यपूर्वाणि यान्यसंकल्पितानि च । प्रविश्य तानि शनकैर्विधूमे भुक्तवज्जने ॥
"ब्रह्मघ्ने देहि मे भिक्षामेनो विख्याप्य संचरेत् । एककालं चरेद्भैक्षं तदलब्धोदकं पिबेत्" ॥ इति ।

सेति आहार्याभोज्या चेत्यर्थः । **तेनैव वसिष्ठेनैव** । **एवेन** संकरानिरासः । **चातुर्वर्ण्ये** स्वार्थे ष्यञ् । अभिसमीक्ष्येति शेषः । **संयतः** उपयोगादन्यत्र मौनी जितेंद्रियो वा । इदमपि पूर्वपूर्वासंभवे ज्ञेयं ।

अग्रिममूलार्थमाह । **तथेति** । विशेषे बीजमाह । **वेश्मन इति** । अनुक्तमाह । **तथेति** । आदिग्राह्यमनुपदमेव स्फुटीभविष्यति । **संवत्सरानित्यादि** कालाध्वनोरिति द्वितीया । आर्यस्य विप्रादेर्दर्शनात्पथो मार्गादपक्रामेत् । अन्यत्र गच्छेत् इत्यर्थः । स्थानासनाभ्यामित्यनेन

"उत्थितस्तु दिवा तिष्ठेदुपविष्टस्तथा निशि। एतद्वीरासनं नाम सर्वपापप्रणाशनमिति॥"

स्मृत्यंतरोक्तमर्थमभिप्रैति। उपलक्षणत्वेनाह। **ब्रह्मेति**। गौतममेवाह। **वर्जेति**। **इतीति** वर्जनरूपादिधर्मेत्यर्थः। अनतिप्रसंगायाहावीति। तेषामपि प्राप्त्यर्थमित्यर्थः। स्थानवीरासने यस्य स्तः सः। **मौनीति** व्याख्यातं। **कूष्मांडमंत्रैः**। "यद्देवा देव हेलनं देवासश्चकृमावयम्" इत्यादिभिरग्निकार्यं कुर्यादित्यर्थ इति **मदनः**। **तैः** सदा जप. इत्यन्ये। **तैरु**भयमित्यपरे। जपेदिति पाठांतरं। मौंजीत्यादेरन्वयायाह। **तस्येति**। अत्र च। **गौतमीये च**। **सवनेषु**। कालत्रयेषु। अन्यदप्याह। **तथेति**। इदं स्नानसूचितमेवेति ध्वनयन्नाह। **स्नानवदिति**। अत्र सन्ध्या प्रातःसन्ध्यैवेति केचित्। संध्यात्रयमित्यपरे। वचनात् **गौतमवचनात्**। **चोऽ**प्यर्थे। एवेनान्यनिरासः। उभयत्र **गौतमार्थ**माह। **द्विजेति**। सामान्यान्याहाप्यन्येति। विशेषाभूतान्याह। **ब्राह्मेति**। आदिनाऽन्यश्रौतस्मार्तकर्मपरिग्रहः। विहितानामिति शेषः।

मि. पृ. २४७. हानिरिति। त्यागस्तेष्वनधिकारः पतनमित्यर्थः। एवव्यच्छेद्यमेवाह। **न सर्वेषामिति**। **तावन्मात्रेति** ब्रह्मचर्यानंगभूतद्विजातिकर्मेत्यर्थः। अन्यथा दक्षवाक्यस्थसर्वशब्दसंकोचापत्तेः। अत्र प्राधान्यात् द्विजातिग्रहणं न तु शूद्रादिव्यावृत्त्यर्थं तेषामपि तत्त्वस्य प्रागुक्तत्वात्। एवमन्येऽपि स्मृत्यंतरोक्ता धर्मा द्रष्टव्यास्तेषां च यत्र विरोधस्तत्र विकल्पो यत्राविरोधस्तत्र समुच्चय इति व्यवस्थाविशेषमाहेयं **चेति**। एवमग्रे सर्वत्र बोध्यम्। **तत्र** .आकांक्षायां सत्यां अत इति शाखांतराधिकरणन्यायेनैकोनगुणोपसंहारन्यायेनाविरुद्धसर्वांगोपरादित्यर्थः। **अपिना** तथात्वे तदौचित्यं ध्वनितं। **अनीति**। अविचार्यैवेत्यर्थः। पदार्थानुक्त्वा वाक्यार्थमाहैवमिति। उक्तप्रकारेणेत्यर्थः। **अकामकृतेति** सकृत्कृतेत्यपि बोध्यं। **ब्रह्मेति** ब्राह्मणमात्रवधेत्यर्थः। तथा च **भविष्यत्पुराणे**

"तत्र सामान्यतो हत्वा ब्राह्मणं सुरसत्तमः। प्रायश्चित्तं तु वै कृत्वा विधिवत् द्वादशाब्दिकं॥

"प्राप्नोति शुद्धिं जीवन्वै स्वर्गं च स्वजनैः सह" इति। **मनुरिति**। **गौतमीयं** व्याचक्षाणो "ब्रह्महत्यासुरापानं गुरुदारगमनान्यनिर्दिष्टव्यप्रायश्चित्तानीति" **मनुराहेति** वर्णयित्वा "मतिपूर्वमनिर्दिश्यं प्राणांतिकमुपस्थितमिति" "कामतो ब्राह्मणवधे" इति च **मनुवचनं**। तत्र संवादार्थमुपन्यस्तवान्। **कलिनिषिद्धेषु** तु

"प्रायश्चित्तविधानं च विप्राणां मरणांतिकमिति" स्तेयान्यमहापातकनिष्पत्तिरिति चोक्तमिति बोध्यं। ब्रह्मवधादिषु प्रायश्चित्तानां भिन्नानामुपदेशात्तंत्रता नैव संभवतीत्यत आह। **द्वित्रीति**। द्वंद्वपूर्वककर्मधारयः। **एकस्मिन्निति**। आकृत्यधिकारणन्यायेन तस्य जातिपरत्वात् व्यक्तिपक्षेऽपि वृत्तावुपसर्जनेषु संख्यासामान्याभावसत्वादिति भावः। **एकेति** अनेकमध्ये इत्यर्थः। तदेव विशदयति। **तत्रेति**। अनेकमध्ये इत्यर्थः। **एकेति** बहुव्रीहिः। इदं तन्निरासकं। **प्रयोगेति** तदंगभूतानामित्यर्थः। प्रत्येकमिति शेषः। एवेन प्रतिनिमित्तं नैमित्तिकमावर्तत इति **न्यायप्राप्तावृत्ति**निरासः। दर्शे पूर्णमासे च यागत्रयमाग्नेयादिकं प्रधानं। **उपकारेति** अदृष्टजनकत्वरूपेत्यर्थः। गुरुत्वादि एकब्राह्मणवधपक्षतः। **गौतमबौधायनायाहैनसीति**। पापभेदात्राशोपि भिन्न इत्याह। **बिलेति**। **इतीति** इत्येवंवचनवाच्यामित्यन्वयः। **समाप्ते**। **इति**। **इदं गौतमाद्युक्तं** अथहेतु

खंडयति। **न चेति**। नापीत्यर्थः। प्रमाणमस्तीत्याह। **यच्चेति**। यदपीत्यर्थः। **अपिः** पूर्वसमुच्चये। एवमग्रेऽपि। **द्वित्रीति** प्रातित्यादिः। तन्निमित्तकेत्यर्थः। आवृत्तावन्वयः। **तदभावेति** आवृत्त्यभावेत्यर्थः। एवं च द्वयोश्चतुर्विंशतिवार्षिकं तृतीये षट्त्रिंशद्वार्षिकं चतुर्थादौ नेति तात्पर्यं। **द्वितीयेति**। इदमुपलक्षणं तृतीयेऽप्येवं बोध्यं। अनुष्ठानेति तस्य यत्द्वैगुण्यं तद्विधीत्यर्थः। तथा च द्वयोः षट्त्रिंशद्वार्षिकं त्रिषु द्विसप्ततिवार्षिकमिति भावः। **अपिना** तुर्यपादविधिसमुच्चयः। **वाक्येति**। अनेकविधेरिति भावः। केचिन्मतमुपसंहरति। **तस्मादिति**। **अप्येवौ** प्राग्वत्। द्रढ्याय दृष्टांतांतरमाह। **यथा इत्यादिनेति** पाठः। यस्याहिताग्नेरग्निर्गृहान्दहेत्स इति पूर्वशेषाऽऽह। **गृहेति**। **अपि**रेकसमुच्चायकः। **एवे**नावृत्तिनिरासः। तंत्र**न्यायेन** तन्न्यायस्य बाधादिति भावः। **न हीति**। यतो वचनत्वादेव तद्विरोधे तंत्रन्यायः प्रबलो भवतीत्यर्थः। **चस्त्वर्थे**। **आवृत्तीति** द्वैगुण्यादीत्यर्थः। तथोक्तिफलं त्वनुपदमेव स्फुटीभविष्यति। पूर्वं वचनान्यथागतिं कृत्वा तंत्रन्यायेनावृत्तिन्यायस्य बाध उक्तः। सैव नेत्याह**ैवमिति**। तस्य तत्परत्वे सतीत्यर्थः। **प्रवृत्तिरिति**। प्रायश्चित्तानुष्ठानप्रवृत्तिविशेषप्रतिपादकत्वेन सफलतरमित्यर्थः। इतरथा तस्य तद्विधिपरत्वाभावे तर्हि किंपरत्वमतः प्रागुक्तमेवाह। **शास्त्रत इति**। प्रतिनिमित्तमिति। **न्यायत** इत्यर्थः।

प्रागुक्तदोषं परिहरति। **न चेति**। नेक्षेतोद्यंतमित्यादिवन्नञः पर्युदासार्थत्वेन द्वैगुण्याद्यविवक्षया तात्पर्यतो लक्ष्यार्थमाह। **चतुर्थादीति**। तदप्युपलक्षणमिति भावः। तदत्र द्वयोस्त्रिषु च त्रीणि व्रत इत्यादिवदिति भावः। तस्य गुरुत्वमपि सप्रमाणमित्याहुः। **किंचेति**। अन्यथा तदादावपि तथैव निर्वाहे तदुक्तिरफलैव स्यादिति भावः। एवं ज्ञापकेन साधितेऽर्थे वचनमपि मानमस्तीत्याह। **तथेति**। न तद्वदित्यर्थः। ततः पूर्वतनमेवाह। **यत्त्स्यादिति**। अज्ञात्वेत्यर्थः। तथा सत्याह। **न चेति**। न हीत्यर्थः। उपसंहरति। **अत इति**। तंत्रायोग्यत्वादित्यर्थः। **अपि**र्वचनसमुच्चयः। आवृत्तिर्द्वैगुण्यादिरूपा। अत एव दृष्टांतवैषम्याह। **क्षामेति**। **आदिना** प्रयाजादेरपि परिग्रहः। अत एव "तरति ब्रह्महत्याम्" इत्याद्येकवचनसंगतिः। किंच तत्प्रत्यक्षे

मि. पृ. २४९. सास्थिप्राणिवधे यद्दानमुक्तं तदेव तत्सहस्रवधेऽपि स्यात्। न तु शूद्रहत्याव्रतं। एवमनस्थिवधे ये प्राणायामा उक्तास्ते शकटपरिमितमारणेऽपि स्युः। किं च सकृत्कृताद्ब्रह्मवधादनेकपापोत्पत्तिरपि स्यात्। अधिकरणद्वयविरोधोऽप्यन्यत्र स्पष्टस्तस्मादावृत्तिरेव युक्ता। **तदाहेत्यलमिति**। एतेन तंत्रमेव युक्तं। विधेरिति तु यत्र पापविशेषे आवृत्तिविधायकं वचनमस्ति तद्विषयमिति वदन् शूलः प्रयुक्तः। अयुक्तेस्तस्यानर्थक्यस्य दुरुद्धरत्वाच्चेति दिक्। **प्रायश्चित्ताभावेति**। सर्वथा तत्र प्रायश्चित्तमेव नास्तीति केचित्। यथा ज्ञानेन द्वितीयादौ कृते तत् द्वैगुण्यादि तथा चतुर्थे न किंत्वधिके नेत्यन्ये। आद्येऽज्ञानकृते द्वादशाब्दं द्वितीये द्वे तृतीये त्रीणि चतुर्थे चत्वारीति द्वादशाब्दानि दश भवंति तेषामाचरणकालो विंशत्याधिकं शतं शरदो भवंति तावत् आयुषोभावादुष्करत्वेन तदभावो न तु स्वरूपत एव तदभाव इति **मदनः**। शसजननार्थं तदुक्तिः। यतो निष्कृतिरेव न। अतस्तन्न कार्यमिति च। **तदनुगुणमिति** क्रियाविशेषणं। गुणेति पाठांतरं। अत एव तत्र प्रायश्चित्तसत्वादेव पूर्णे मानसीति। **अनः** शकटं। अनस्थ्नामिति शेषे षष्ठी। **अस्थिमतां तु सत्वानां सहस्रस्य** प्रसकृत्कृते यत्प्रोक्तं तत्त्रिभिर्दिनैस्त्रिगुणं मासात्पंचगुणं षण्मासाद्दशगुणं अब्दात्पंचदशगुणं त्र्यब्दाद्विंशतिगुणं ततोऽप्येवमग्रे प्रकल्प्यं। एवमुपपातकाभ्यासेऽनुक्तप्रकारविशेषे

सर्वत्रेति इदमग्रे स्फुटीभविष्यति । तस्यैवेति तथा व्युत्पत्तेः प्रागुक्तत्वात् साक्षाद्वधापेक्षया प्रयोजकादिवधो व्यवहित इति संनिहितस्य साक्षाद्वधस्यैव परमदुरितापूर्वोत्पादकत्वमिति तस्यैव संपूर्णमेतेन यथाऽन्यद्रव्यस्य द्रव्यस्वाम्याज्ञादिनान्येन दाने आज्ञादिकर्तुरेव पूर्वो न तु साक्षाद्दातुस्तथाऽन्याज्ञादिनाऽन्ये हते आज्ञादिकर्तुरेव वधफलं पूर्णं युक्तमित्यपास्तम् । स्वत्वत्यागपूर्वकपरस्वत्वापादनस्य दानत्वेन स्वामित्यागादेव स्वत्वत्यागेन दृष्टांतवैषम्यात् । अत्राज्ञादिकारिणो ऋत्विगादितुल्यत्वात् ।

अत एवानुक्तमाहानुग्राहकेति । तत्तदिति । इदं च प्रागुक्तं तदेवाह । **तत्रेति** । एवं सामान्येनोक्त्वा प्रकृतं विशेषमाहात इति । उक्तसामान्यनियमादित्यर्थः । तस्य अनुग्राहकस्य अर्धापेक्षया किंचिन्न्यूनमर्धमध्ये पादोनं तदाह । **सार्धेति** । चरमे मानमाहात **एवेति** । तत्र तत्सत्वादेवेत्यर्थः । **मनुरिति** । **सुमंतुरप्येवं** । निमित्तांतरमाह । **गृहेति** । **प्रतीति** । अधोगामिनीमित्यर्थ इति केचित् । प्रवाहतस्तथेत्यन्ये । निमित्ते एव भेदमाहात्**यर्थमिति** । अत्यंतमित्यर्थः । **निर्निमी**त्युत्तरान्वयि । **वाशब्दः** प्रागुक्तनिमित्तांतरसमुच्चायकः । वै इति पाठांतरं । **इदं वपनं** व्रतांगभूतं । **तेनैव मन्वादिनैव** । **अनयैवेति** । अनेनैव मार्गेणेत्यर्थः । तत्र मानमाहा**स्यां चेति** । प्रयोजयितेत्यादिसामान्योक्तेः । अल्पेऽल्पफलसंबंधस्य सूचनाच्चेति भावः । **भक्तमन्नं शक्तिमांश्चे**दुपेक्षक इत्यर्थकं । एते सर्वेऽकार्यकारिणो बोध्या इत्यर्थः । ततः किमत आ**हैषामिति** । आदिग्राह्यमग्रे स्फुटं । **वर्षाणि** पूर्णानीति शेषः । **अंगिर इति** । **विष्णुपराशरबृहस्पतयोऽप्येवं** । **च्यवनोऽपि** "बालवृद्धस्त्रीणामर्धं प्रायश्चित्तमाषोडशाद्बालः सप्तत्यूर्ध्वं स्थविर" इति । **स्मृत्यंतर**माह । **तथेति** । तथा च बालत्वे वृद्धत्वांशे विकल्पः स्मृतिद्वयप्रामाण्यात् । "अर्धमेव भवेत्पुंसामिति" पाठः । **तुरीयं** पदं । एवं चार्धपादयोःषित्सु विकल्पो बोध्यः । तत्प्रसंगादा**हानुपेति** । अत एवापिः पादे । यतिपादप्रमाणमेवेत्यर्थः । एवेनार्धनिरासः । अन्यथा पौनरुक्त्यं स्पष्टमेव । इदानीं त्वन्यस्यापि तादृशस्य परिग्रहः । **सर्वेति** । वर्णधर्मेषु पतनीयेष्वित्यर्थः ।

अतश्चेति । चेन "स्यात्कामचारभक्षोक्तिर्महांतः पातकादृते" इति **स्मृत्यंतरसमुच्चयः** । अत एव प्रागुपनयनात्कामचारेत्यादिप्रागुक्त**गौतमीयं** महापातकवर्जमिति **स्मृत्यर्थसारे** । अत एव वर्णधर्मान्वर्जयित्वेति व्याख्यातं व्याख्यात्रा । **शंखेनेति** । **आंगिरसाऽपि** कर्तुः प्रतिनिधिः **शंखद्वक्तः** "ऊनैकादशवर्षस्य पंचवर्षात्परस्य वा । चरेद्गुरुः स्वकृत्याऽपि प्रायश्चित्तं विशुद्धये" इति । अत्र बालस्य यद्विहितं प्रायश्चित्तं तदेव गुर्वादिना कर्तव्यमिति तात्पर्यार्थ इति **कल्पतरुः** । **यमेनापि**

"अपूर्णैकादशाब्दस्य चतुर्वर्षाधिकस्य च । प्रायश्चित्तं चरेन्माता अन्ये वाऽप्यस्य बांधवाः॥" इति ।

अतः पंचवर्षान्न्यूनस्य तत्रैव प्रतिनिधिर्विधिर्वा । **यमोऽप्येवं** परामिति । अत एव बालतरेषु पादादपि न्यूनं कल्प्यमिति **माधवः** । यद्यपि बालांशे "तृतीयांशो भवेत्पुंसामिति" तत्र पाठानुरोधेन द्वादशतः षोडशपर्यंतमर्द्धं ततः प्रागुपनयनपर्यंतं नवमवर्षांततृतीयांशस्ततः प्राक् षड्वर्षांतं पादं पंचवर्षपर्यंतं पापमेव नेति व्यवस्था संभवति तथाऽपि सा न युक्ता पंचमादिवर्षस्याप्युपनयनकालत्वेनोक्तव्यवस्थाया असंभवात् । विकल्पस्य दुर्वारत्वात् । वृद्धांशे मानाभावात् । अत

एव चतुर्वर्षाधिकस्येति यमोक्तिः । तस्माद्विकल्पस्याष्टदोषदुष्टस्यापत्योक्तव्यवस्थैव युक्ता उक्तविकल्पस्तु दुरुद्धरस्तत्रापि यथाकथंचिद्व्यवस्था कार्या वा । एवं ऊनपंचवर्षस्य न प्रायश्चित्तं न पापमिति ग्रंथास्तु प्रायेणोपपापाशयेन योज्याः प्रागुक्तगौतमादिति बोध्यं । तदेतत् ध्वनयन्हेतुं तत्राहाश्रमेति । अत एव वर्णधर्मान्वर्जयित्वेत्येव प्रागुक्तं तदानीं ब्राह्मणादेः सत्वाद्ब्रह्मचारित्वादे-

मि. पृ. २४९ रसत्वात् इति भावः । मनुमाह । तस्मादिति । "सुरा वै मलमन्नानां पाप्मा च मलमुच्यित" इत्यादिः । उपसंहरन् शंखादितात्पर्यमाहात इति । तत्रापि तत्सत्वादित्यर्थः । तस्यैव पितुरेव । अन्येषां तु तत्वं तत्स्थानापन्नत्वादिति भावः ॥

विशेषांतरमाह । यत्र पुनरिति । कर्तृत्वे सतीति शेषः । उक्ताशयानभिज्ञः शंकते । च चैवमिति । स्वाशयं प्रकाशयति । अत्रेति । हि यतः । पूर्वत्रेत्यर्थः । न च न हि । कुतः मूलस्यैवाभावात् । तत्रैव शंकते । न चेति । मित्रेति प्रयोजकतया कृतेत्यर्थः । उक्तमर्थं दृष्टांतेन द्रढयति । अत इति । उक्तहेतोरित्यर्थः । नियोगो विधिः ।

विरोधं परिहरति । यदिति । एवमग्रेऽपि । ब्रह्महेति । तथा सतीति शेषः । अस्योभयत्रान्वयः । सर्वेत्यनेनांतःपातिसकलपापनिरासः सूचितः । एवमन्यस्यापि लघोः । विप्रौ सर्वथेत्यर्थकौ । हापि वीति पाठेऽपिरन्यमहापापसमुच्चायकः । प्रतीति पाठांतरं । सवनस्थेति । यज्ञस्थगुणवद्ब्राह्मणकर्मकहननविषयकमित्यर्थः । ननु नायमुक्तप्रतिनिधिरस्य ततो गुरुत्वादत आहैतच्चेति । वक्ष्यमाणमूलमाह । द्विगुणमिति । हते सति हंतुरिति शेषः । अनावृत्तेति । प्रागुक्तेत्यर्थः । तत्र हेतुमाह । तत्र हीति । यतो द्वादशवार्षिके इत्यर्थः । इति एवं ।

उक्तमेव द्रढयति । यद्यपीति । तत्र वन्याद्याहारस्य सर्वत्रत्वादिति भावः । अत्र द्वादशवार्षिके । आदिनाऽन्यधर्मपरिग्रहः । अत एव तत्वाभावादाह । तुल्यत्वमिति । ननु किमेतावताऽत आह । ततश्चेति । तस्य तत्तुल्यत्वाच्चेत्यर्थः । पराशरमाह । प्राजेति । अत्र द्विविधस्यापि तस्य ग्रहणमिति भावः । अशक्ताविति छेदः । तस्मा अपि प्रतिनिधिमाह । गवामिति । तन्मूल्यं तासां मूल्यं शास्त्रपरिकल्पितं । वाशब्दः स्मृत्यंतरोक्तान्यपक्षसंग्राहकः । अनेनापीष्टासिद्धिरेव न संशय इत्यर्थः । न्यायेन इति रीत्या । अत इति । यत इत्थमत इत्यर्थः । तत्राशीत्यधिकशतद्वयधेन्वाधिक्यं तु न । अत्राप्युक्तरीत्या क्लेशाधिक्यस्य सत्वात् विषयांतरासंभवाच्च । तदेतत् ध्वनयन्नाह । यथोक्त एवेति । यथाक्रममाह । गवेिति । तस्य समुच्चयस्य ।

तस्य सत्वे मानमाह । तथा चेति । उक्तवानित्यत्रान्वयः । तस्य तत्त्वविवक्षया सर्वत्र सप्तमी । अब्राह्मणे क्षत्रियादौ । अत्र समत्वं लौकिकं । लोके हि समलवणः सूप इत्युच्यते । तथा च य तत्रतात्युक्तं तदुच्यते । एवमत्रापि ब्रुवशब्दः कुत्सायां घरूपेति सूत्रभाष्यादौ प्रसिद्धः । जातिमात्रब्राह्मणोऽध्ययनादिगुणहीनस्तत्र द्वैगुण्यादि च संख्यास्तुतिमात्रं अर्थवादत्वादुत्तरोत्तरं पात्रतातिशयेन फलातिशये तात्पर्यं उपकारापेक्षमिदं सर्वं बोध्यं । आचार्य उपनेता । "अनंते वेदपारगे" इति मानवे तुर्यपाठः । तत्राध्ययनश्रवणाभ्यां तत्पारगानां समहारद्वंद्वः । दाने पात्रभेदेन समादिरूपं फलतारतम्यं स्यादित्यर्थः । गतेत्यत्र संख्यायाः संवत्सरेत्युत्तरपदवृद्धिः । साहस्रे-

त्यत्र प्रकृतिरपि प्रकरणात् विशिष्टपरा । आनंत्ये स्वार्थे ष्यञ् । गवां सहस्रमितिवदस्यापि व्यवस्था-माह । तथेति । तद्वदित्यर्थः । द्वादशेति "विप्रहा अरण्ये कुटीं कृत्वा वाग्यतः शवशिरोध्वजः शाणीपक्षमधोनाभ्युपरिजान्वाच्छाद्य"त्याद्युपक्रमादित्यर्थः । आ उत्तमादुच्छ्वासात् । आमरणात् । शाणी पक्षः । क्षणा सूत्रवस्त्रैकदेशः । भविष्यत्पुराणेपि

"मातरं पितरं हत्वा सोदर्यं भ्रातरं तथा । गुरुं हत्वा श्रोत्रियं वे" त्युपक्रम्येदमेवोक्तं । तत्र तस्मिन् । अयं शंखोक्तः । तथा । च तत्रासमर्थस्य द्वादशवार्षिकगोसहस्रत्रि तत्राप्यशक्तस्य षड्वार्षिकगोसहत्रि तत्राप्यशक्तस्य षड्वार्षिकगोपंचत्यौ तत्राप्यशक्तस्य त्र्यब्दगोसार्धशतद्वये तत्राप्य-शक्तस्य सार्धाब्दगोसपादशते । इत्येवं सर्वेषां वर्णानां ब्राह्मणादीनां शक्तानुसारेणानुपूर्व्येण क्रमेण तयोः समुच्चयतदर्थः प्रायश्चित्तस्यातिगुरुत्वादस्य स एव विषयः । न च द्वादशाब्दादिव्रतचतुष्षष्ठ-गोसहस्रादिदानचतुष्टयसहितमुक्त्वा सर्वेषां वर्णानामित्युक्तेर्ब्राह्मणादितच्चतुष्टयविधिः कुतो नेति वाच्यं ।

"पर्षद्याब्राह्मणानां तु राज्ञां तद्द्विगुणा मता । वैश्यानां त्रिगुणा प्रोक्ता पर्षद्वच्च व्रतं स्मृतमिति ॥" "शूद्रो वा ब्राह्मणं हत्वा प्रायश्चित्तचतुष्टयमिति" चांगिरोभविष्यत्पुराणाभ्यां विप्रापेक्षयाऽन्य-वर्णानावधिकप्रायश्चित्तविधानादिति भावः । अत्र चतुर्विंशतिमतविरोधपरिहारस्तु वक्ष्यते । मि. पृ. २५० एवमन्यत्राप्याह । द्वादशेति । व्यवस्था सैव । अवसिता निश्चिता मानाभावात् । तत्र तेषु । व्यवस्थाया इति शेषः । विकल्पेति ऐच्छिकविकल्पेत्यर्थः । अपिः सिद्धांतसमुच्चये । अवकल्पते संभवति । अतुल्यत्वादैच्छिकविकल्पासंभवः । ननु स्वरूपतो वैषम्येऽपि फलतः साम्यात्तुल्यार्थास्त्विति न्यायेन स स्यादेवात आह । विकल्पेति । ऐच्छिकविकल्पेत्यर्थः । विषमेति । स्वरूपतः फलतश्च । सोऽप्यैच्छिकविकल्प इति भावः । व्यवस्थिताविकल्पस्तत्रेति समाधत्ते । ननु संभवे सत्यपि क्लेशाधिक्यान्न तत्रात आह । यद्वेति । ननु मुख्यकारणसत्वे कालभेदे मानाभावोऽत आहातीति । अंगापूर्वसहितप्रधानापूर्वजपरमापूर्वभेदस्य न्यायविद्भिः प्रतिपादितत्वात् इति भावः । तत्रापि बीजामाहेतरथेति ।

उपेति यत इत्यादिः । रेणहीति पाठे तु नायं समुच्चयस्येति शेषः । अन्यथा आहोपेति । प्रकृते इति भावः । न च नापि । श्रुत्यादीतिश्रुतिलिंगवाक्यप्रकरणस्थानसमाख्यानां षण्णां शेषत्वविनियोजकानामत्राभावादित्यर्थः । एवं तदुक्तं संखंड्य सिद्धांतमाहात उक्तान्यतमप्रकारासंभवादित्यर्थः । तथा च प्रागुक्तद्वितीयपक्षसमर्थनमिति भावः ।

ननु वचनांतराणि साक्षिभूतानि यत्र संति तत्रास्तु व्यवस्था । यत्र तु तदभावेऽपि व्यवस्था क्रियते सा कथं श्रद्धेयेति चेन्न स्मृतिकारैरेव कल्पत्वोक्तेः । तदाह । सा चेति । व्यवस्था चेत्यर्थः । जात्यादिसापेक्षतदीक्षपूर्वं प्रायश्चित्तं । तथा सकृत्कृतमन्यथा वा बुद्धिकृतमन्यथा वानुबंधादि अनुबध्यते येनेत्यनुबंधो महापापं । आदिनाऽतिपातकादि । तच्च विज्ञाय प्रायश्चित्तमित्यर्थः प्रकल्पयेदित्यस्यानुक्ते तत्र तदूहयेदुक्तेषु तद्व्यवस्थापयेदित्यर्थः । अत एव

"देशं कालं वयः शक्तिः पापं चावेक्ष्य यत्नतः । प्रायश्चित्तं प्रकल्प्यं स्याद्यत्रोक्ता नैवनिष्कृतिः" इत्युक्तं ॥ २४३ ॥

याज्ञवल्कीये २४४ श्लोकः ।

वाशब्दतः प्रतीयमानस्वातंत्र्यनिरासायाऽऽह । **पूर्वोक्तेति** । द्वादशवार्षिकेत्यर्थः । उद्देश्यगतत्वादेकत्वमविवक्षितमित्याहापीति । वक्ष्यमाणरक्षणोपायतो भिन्नं रक्षणोपायमाहात्मेति । बहुवचनमपानाद्याशयं तदवच्छिन्नस्वशरीरमित्यर्थः । विशेषमाह । **यद्यपीति** । उक्तरीत्येति भावः । अकरणं च शक्त्यभावात्पूर्णशक्त्यभावाद्वा द्वेधा ज्ञेयं । **पृथगिति** तन्निमित्तमित्यर्थः । एवं च **मनुरप्येतद्विषय एवेति** न स्वतंत्रबोधक इति भावः । स्वकर्तृकाश्वमेधस्य वक्ष्यमाणत्वादाह । **परेति** । **स्नात्वा** तत्रेत्यादिः । विशेषमाह । **स्नानं चेति** । **राज्ञा** अभिषिक्तेन क्षत्रियेण । **समवाये** मिथः संगमे तत्समूहे । स्वमात्मीये इत्याह । **स्वीयमिति** । विशेषमाह । **यदीति** । **अनुज्ञात इति** । तैरिति शेषः । **तत्रे**त्यस्य **स्नात** इत्यनेनान्वयः । **दीनां** च तेषामपि । **अश्वेति** । तत्र स्नातः शुध्यति । अन्यस्मिन्नपि यज्ञे अवभृथस्नातः शुध्यति । स **यज्ञश्चेदग्निष्टुन्मध्य**स्तदंतो वेत्यर्थः । 'अंतःप्रांतेंतिके मध्ये' इति **कोशः** । प्रतिज्ञातं विशदयति । **अयं चेति** । **आदिना** मरणं । अत्र दृष्टांतमाह । **यथेति** । प्राप्येत्यस्याग्रेऽप्यन्वयः । पक्षांतरमाह । **ऋषेति** । तृतीयपक्षमाहाभावे इति । तुर्यपक्षमाह । **गृहेति** । **द्वादशे इति** । **स एवमिति** तदादिस्तत्र 'पूर्णे सतीति' शेषः । **मनुसंमतमपीदमित्याहात एवेति** । स्वातंत्र्याभावादेवेत्यर्थः । पंचदश-

मि. पृ. २५१. प्रायश्चित्तकथनानंतरं **सिंहावलोकनन्यायेनेति** शेषः । **आदिना**

"गोप्ता गोब्राह्मणस्य च ।

"त्र्यवरं प्रतिरोद्धा वा सर्वस्वमवजित्य वा । विप्रस्य तन्निमित्ते वा प्राणालाभे विमुच्यते"॥(११।८०)

इत्यस्य संग्रहः ।

शंखानभिज्ञः शंकते । **ननु चेति** । मुच्यते इति लडित्याशयेन तत्रत्यब्रह्महत्यस्य शिरःकपालीत्यत्राप्यन्वयादाह । **ब्रह्मेति** । **प्रधानेति** । द्वादशवार्षिकव्रतात्मकप्रधानानुपकारकत्वेन तत्वादित्यर्थः । तदेवाऽऽह । प्रधानेति । अननुग्राहकत्वमेवाह । **न चेति** । नापीत्यर्थः । तथा विशेषानुक्तेरिति भावः । किंचेत्युक्तमुपसंहरति । **अतोपीति** । मानवमेवाऽऽह । **यथाग्नीति** । **आदिना**ऽश्वमेधादीनां वेदस्य त्रिर्जपांतानां 'क्रुते' त्यतः प्रागुक्तानां परिग्रहः । दृष्टांतासंगतिमाशंकते उक्तरीत्या । **न चेति** । मध्यपठितत्वमात्रं नांगत्वनियामकं । किं तु स्थानप्रकरणान्यतरत् । न चेह तदस्ति कस्याकांक्षाभावादित्याशयेनाऽऽह । **यत इति** । निश्चितेति निर्ज्ञानफलकत्वेनेत्यर्थः । **सामिधेन्यो** ऋचः । **निविदिति** , तत्पदघटितानां ऋचामित्यर्थः । **एकेति** । तथा च तदाकांक्षाभाव इति भावः । अभ्युपेत्याप्याह । **न चेति** । मना(?)पीत्यर्थः । **मानवे** तथात्वेनाहै**कांतेति** । **वार्षिकमध्येति** वार्षिकोपक्रमोपसंहारमध्येत्यर्थः । **मनुसम्मतमपीदमित्याहेदमेव चेति** । आकांक्षाविरहरूपमित्यर्थः । तथा वाशब्दस्यात्रापि सत्वादाह । **तथेति** । उक्तरीत्योक्तोपसंहारानंतरं किंचिन्मध्ये उक्तानंतरमित्यर्थः । अत एवां पूर्वोक्तानां पंचदशानां मध्ये उपसंहारः । **सर्वेषामिति मेधातिथिरपि** । **व्यपोहति** अपहरति । आत्मज्ञानतया शास्त्रार्थकृताभिनिवेश आत्मवान् न शास्त्रार्थमन्यथा वर्त्तेतेत्यर्थः । **दृष्टांतं** उपसंहरति । **अत इति** । पूर्वपक्षमुपसंहरति । **अतश्चेति** । तेषां स्वातंत्र्यस्य मुक्तत्वाच्चेत्यर्थः । मध्यपठितत्वमात्रं तु न तत्र नियामकं अस्य तत्त्वस्य मानवादौ सत्वेऽपि न तादृशं किं

तूक्तरीत्येति तस्य तत्त्वं दुर्वचमेव । तदेतत् ध्वनयन्नाहैकफलेति । साक्षादेकफलकत्वादित्यर्थः । नन्वेवं कथं तथैकफलकत्वमत आहांगस्यैवेति । नन्वेवमपि तदनुपकारकत्वात्प्रधानाविरोधित्वं तदवस्थमेवात आह । न चेति । नापीत्यर्थः । कस्यैवेति तादृशव्रतानुष्ठानस्यैवेत्यर्थः । एवेन केवलव्यवच्छेदः । उपसंहरति इतीति ॥ २४४ ॥

याज्ञवल्कीये २४५ श्लोकः ।

किंचेति । तस्यान्यं तादृशसमाप्त्यवधिमाहेत्यर्थः । एवमग्रेऽपि । आद्यो वा मिथो विकल्पे द्वितीयः पूर्वविकल्पे विशेष इति तथा चोपायभेदकृतो रक्षणभेदो न तु स्वत इति भावः । तद्वदाहामुनैवेति । तन्निमित्ते । औषधदानादिनिमित्तके ॥ २४५ ॥

याज्ञवल्कीये २४६ श्लोकः ।

आनीयेति । विप्राय दत्वेति शेषः । तोवाविशुध्यतीत्यस्यानुषंगः । वेत्यस्याग्रेऽपि संबंधा-
मि. पृ. २५२. दाह । यदि देति । तद्वदाहात एवेति । त्र्यवरमिति क्रियाविशेषणं । प्रतिरोद्धुः तदर्थं प्रवृत्तः शस्त्रेण क्षता उत्तरार्धे हिंसायां आनीयेति समानार्थं । सर्वस्वमिति । अस्यापि स्वातंत्र्याभावमुक्तरीत्यैवाहैतस्येति ॥ २४६ ॥

याज्ञवल्कीये २४७ श्लोकः ।

लोमप्रभृतीति । सक्थं चक्षुरुपहंतुमितिवत्प्रयोगः । प्रकारेति लौकिकाग्न्युपसमाधानादिरूपेत्यर्थः । तदेव ततश्चेति चतुर्थ्या तदंतेन तेषां संख्यामाह । चेति । अत एव मज्जांतामित्येवोक्तं । भ्रूणहेति । "भ्रूणहननं वक्ष्यामो ब्राह्मणं हत्वा भ्रूणहा भवति अविज्ञातं च गर्भं अविज्ञाता हि गर्भाः पुमांसो भवंति तस्मात्पुंस्कृत्य जुहुते" इत्यादिमंत्रमाह । लोमादीनीति । मंत्रांतरमाह । लोमभिरिति । अत्र च मूले च ! उपसंहरन्सविशेषमाहातश्चेति । तेषां देवतात्वाभावाच्चेत्यर्थः । सामर्थ्यात्स्वसामर्थ्यात् । क्वचित्तथैव पाठः । स्वधितिना छुरिकया । अतः उक्तहेतोः । वाजसनेयके तु मंत्राः श्रुताः "लोमभ्यः स्वाहा त्वचे स्वाहा लोहिताय स्वाहा मांसाय स्वाहा स्नावभ्यः स्वाहा मेदसे स्वाहा अस्थिभ्यः स्वाहा मज्जभ्यः स्वाहेति"। अत्र च लोमादीनां मंत्रसामर्थ्याद्देवतात्वं । तेषामेव च लोमप्रभृति तनुं जुहुयादिति वचनसामर्थ्याद्धविष्ट्वमपीति तु अपरार्के उक्तं तदित्थं विरोधपरिहारः । प्रायश्चित्तरूपलोमादिहोमे वाजसनेयेऽन्ये मंत्रा वशिष्ठेऽन्ये । अतो मंत्राणामेककार्ये विधानात् विकल्पः । तत्र वाजसनेयमंत्रग्रहणे मंत्रेषु चतुर्थ्यंतनिर्देशाल्लोमादीनामेव देवतात्वं । तदुक्तं भट्टैः

"तद्धितेन चतुर्थ्या वा मंत्रवर्णेन वेष्यते । देवतासंगतिस्तत्र दुर्बलं तु परं परमिति"। हविरपि उक्तहेतो लोमादीन्येव । न चैकस्योभयं कथमिति वाच्यं । लोमादीति द्रव्याणि हवींषि । देवता तु तत्तच्छब्दसमवायिनी । तयोर्भेदात् । यदा तु वासिष्ठमंत्रा गृह्यंते तदा तत्र तद्धितचतुर्थ्योरभावान्मात्रवर्णिकीदेवतामन्या तत्र लोमादिहविषां मृत्युसंबंधावगमान्मंत्रप्रकाश्य मृत्योरेव देवतात्वमिति । न शुद्ध्येत । यदि तद्देति शेषः । इच्छयेति भावः । शालाग्निं औपासनं । अन्यदप्याह । तथेति । युक्तः पितृप्रेरितः सावधानो वा । वस्त्वर्थे । नेति औद्धत्यादिति भावः । अस्येत् क्षिपेत् । परिच्छदः पात्रादि ।

त्रिरवागिति । उत्थायेति शेषः । विशेषांतरं ब्राह्मणंहंतुस्त्रिवारमग्नौ । शक्तिः संगः । प्रवेशः प्रायश्चित्तमित्यर्थः । अनघातस्येति पाठः । छोछेदने । पूर्वेद्युः कृतोपवासस्येत्यर्थः । इदं चेति । मि. पृ. २५३. हरदत्तस्तु नेदं मरणांतिकं त्रिरिति नियमात अत्थायोत्थाय हि त्रिः पतन् यदि जीवति तदाऽप्यसौ शुद्ध एवेतीत्याह तन्न । सर्वस्मृत्येकवाक्यतया तथैव लाभात्प्रागुक्तमेव समत्यंतरमाह । तथेति । कथंचनेत्युत्तरान्वयि । दार्ढ्याय पुनराहैतच्चेति ॥ २४७ ॥

याज्ञवल्कीये २४८ श्लोकः ।

प्रायश्चित्तांतरमाहेत्यर्थः । वार्थमाहाथवेति । लक्ष्यार्थमाह । युद्धेति । तत्रापि विशेषमाहोभयेति । बलं सैन्यं । तदर्थमाह । मृत इति । पक्षांतरमाह । प्रहारेति । मानवस्य विदुषामित्यस्यार्थद्वयमाह । प्रायश्चित्यर्थमिति । प्रायश्चित्तार्थं लक्ष्यभावमापन्न इति । जामतामित्यर्थः । स्वेच्छयेत्यनेन प्रमादादंतर्गतस्य वधेऽपि न शुद्धिरित्यपि सूचितं । इदं चेति चेन पूर्वस्यापि संग्रहः । अत एव तत्र सामर्थ्यादित्युक्तं । ब्राह्मणस्य कोमलहृदयत्वात्तदसंभवः । तथा च भविष्यत्पुराणे ।

"हत्वा तु क्षत्रियो विप्रं गुणाढ्यमिह कामतः । प्रायश्चित्तं चरेद्वीर विधिवत्कायशुद्धये ॥
"लक्ष्यं शस्त्रभृतां वा स्याद्विदुषामिच्छयात्मनः । प्रास्येदात्मानमग्नौ वा समिद्धे त्रिरवाक्शिराः ॥
"यजेत वाऽश्वमेधेन क्षत्रियो विप्रघातकः । प्रायश्चित्तत्रयं ह्येतं क्षत्रियस्य प्रकीर्तितमिति" ॥

तथा च भृगुपतनेन मरणांतिकं प्रायश्चित्तं क्षत्रियान्यस्यापि बोध्यं । तदशक्तस्य तु क्षत्रियस्योक्तरीत्या द्विगुण बोध्यं । भविष्योत्तरेऽपि

"क्षत्रियो निर्गुणो वीरो ब्राह्मणं वेदपारगं । निहत्य कामतो वीर लक्ष्यं शस्त्रभृतां भवेत् ॥
"चतुर्वेदविदं वीर ब्राह्मणं चाग्निहोत्रिणं । निहत्य कामेनात्मानं क्षिपेदग्नाववाक्शिराः ॥
"निर्गुणं ब्राह्मणं हत्वा कामतो गुणवान्प्रभुः । यजेत वाऽश्वमेधेन क्षत्रियो यो महीपतिरिति ॥"

'मृतकल्प' इत्यनेनैव जीवनलाभे पुनर्जीवान्नित्युक्त्या जीवन्नपीत्यस्य लाभादाहापीति । तिवृत्तमग्निष्टुत् गुण इति तद्विशेषणं । तथा च षड्यागविशेषाः "मनुना कीर्तितानीह त्रयोदश यथाक्रमामिति" भविष्यं तु शस्त्रमिति यद्योक्तमरणांतिकप्रायाश्चित्तद्वयभिन्नपरमिति न तत् विरोधः । एतेन 'गोसवेनेति' 'स्वर्जिते'त्यस्य विशेषणं । भविष्ये त्रयोदशत्वश्रुतेस्तथा च द्वादशवार्षिकाश्वभृथस्नानांतानि त्रयोदशप्रायश्चित्तानीति शूलोक्तमपास्तं । उक्तयुक्तेस्तावताप्याधिक्यस्य दुष्परिहरत्वात् । वैपरीत्यसंभवेऽपि तथादुर्व(?)त्वात् । "यजेद्वाऽश्वमेधेन स्वर्जितागोसवसर्वस्तोमाभ्यां वेति" हारीतविरोधात् । तदाशयानवबोधाच्चेति दिक् । अस्यैव विशिष्टस्यैव । तत्र द्वितीये तावन्मानमाह । यजेतेति । आद्ये मानमाह । नासर्वेति । आपस्तंबीये । "राजा सार्वभौमोऽश्वमेधेन यजेत" तथा सार्वभौम इत्युक्तं । तत्र कपर्दी अनियमश्च सार्वभौमः । सार्वभौमा भौमितिकत्वादेवाप्यसार्वभौमो यः क्षत्रियो बलवान् रक्षणसमर्थः यो वलोऽश्वमेधेन यजत इत्यनुवादात् । राजाप्रतिघ इति चेति । तथा च विकल्पस्तत्र बोध्यः । यद्वा आपस्तंबैकवाक्यतया निषेधे व्याख्याने च सार्वभौमशब्दस्तदुभयभिन्नपर इति न दोषः । यागानां व्यवस्थामाहेदं चेति । सार्वेति पूर्वान्वयि । अत एवाह । मरेति । चत्वारः आद्याः । मतीति पूर्वान्वयि । स्थित्वेति सुमयोतिषसुमीवेति प्रयोगः । यत्तु 'स्वर्जिता गोसवेनेति' समानाधिकरणे इति मेधातिथि-

स्तन्न । तयोर्भेदात् । अत एव प्रागुक्तहारीतादिसंगतिस्तत्ध्वनयन्नाह । **स्वर्जितादयश्चेति**। **प्रथमेति**। ज्योतिष्टोमेत्यर्थः । **द्वादशेति** । तथा च । कामकारविषयत्वं तेषां इति भावः । **वा** चार्थे । पातित्यावस्थायामिति भावः । **अनधीति** उक्तगौतमादिति भावः । **आधानादेरिति** उपकारकत्वेऽपीति शेषः । **उत्तरेति** नैमित्तिकेत्यर्थः । विनियोजकाभावादिति भावः । **नन्वेवं** प्रयोजकादौ ते न स्युरत आह । **ते चेति** । स्वर्जिदादयोऽपीत्यर्थः । **न्यूनशब्दो** धर्मपरः ॥ २४८ ॥

याज्ञवल्कीये २४९ श्लोकः ।

किं चेति । त्रैवर्णिकस्य प्रायश्चित्तांतरमाहेत्यर्थः । एवमग्रेऽपि । **मनुर्निराहायाह** । **निर्जनेति** । जनसामान्यसंचाररहिते इत्यर्थः । **नियतः** संयतः आहारो येन सः । आहाररहित इति यावत् । **हार इति** । त्रि वै वेदस्य संहितामित्यग्रे शेषस्तत्र वेदसंबंधिसंहितां परसन्निकर्षमिति शाब्दोऽर्थस्तत्फलितमाह । **मंत्रेति** । अत एवाह । **संहितेति** । वेत्यस्यार्थो यद्वेति । तस्याविछिन्नत्वादाह । **प्रतिस्रोत इति** ।

मि. पृ. २५४. हविष्यं च मुन्यन्नं नीवारादि । ग्राम्यमपि पयोघृतादि । व्यवस्थामाहार्यं **चेत्यादिना** । **तादृशे एव** अव्यवहितपूर्वोक्ते एव । तथा च **भविष्यत्पुराणे**

"हंता यदा वेदहीनो धनेन च भवेद्गुरुः । तदेतत्कल्पयेत्तस्य प्रायश्चित्तं निबोध मे ॥

"हविष्यभुग्वाऽनुसरेत्प्रतिस्रोतः सरस्वतीमिति" न । ननु सरस्वतीगमनं निमित्तपरतयाऽपि कुतो न व्यवस्थाप्यत इत्यत आह । **निमित्तीति** । चस्त्वर्थे । **व्रजेदिति** । ब्रह्महत्यापनोदाय मिति मितभुक् नियतेंद्रिय' इत्युत्तरार्द्धं । मितभुक् न यावता तृप्यति । नियतेंद्रियो ब्रह्मचारी विषयालोलुपः । अशक्तस्येति छेदः । निर्जनदेशगमनाहाराभावात्रिवारजपैस्तस्येनोगुरुत्वादिति भावः । एतेन **मेधातिथ्युक्ता** सर्वेषामन्यथा व्यवस्था चिंत्येति ॥ २४९ ॥

याज्ञवल्कीये २५० श्लोकः ।

ध्वनितं प्रायश्चित्तांतरमाह । **किंचेति** । 'पात्रे' इति सप्तमी । तस्य तत्त्वेन विवक्षया आदातुः प्रतिग्रहीतुः धनपदार्थमगविति । **मन्वनुरोधेनाह** । **जीवेति** । एतच्च दृष्टिरूपं च चरुरिति तस्य स्थालीपाकस्य सत्वादिति भावः । अत एवाह । **वप्रवेति** । अत एव तदेवत्यत्वं लब्धं । युक्तिविशेषेणैव विकल्पालाभादाह । **वाशब्दादिति** । **उपेति** । दद्यादित्यर्थः । अस्याग्रेऽप्यनुषंगः । **परिच्छदशब्देन** यावत् गृहोपकरणं सर्पिस्तैलधान्यादि कुंडकटाहादि कुप्यशयनासनादि तत्सर्वं गृह्यते ।

त्रयाणां व्यवस्थामाह**इदं चेति** । विषये इति । तत्राशक्तस्येति शेषः । अन्वयं संततिः **मेधातिथिस्तु** धनं हि जीवेति पाठं धृत्वा सर्वस्वं यावत्किंचिद्गोहिरण्यादिकं तत्सर्वं देयं । अत्रार्थवादो 'धनं हि जीवनायालमिति' यावता धनेन दत्तेनान्यस्मै जीवितं दत्तं भवतीत्येव साम्यमिति व्याचख्यौ । **मदनस्तु** जीवनपर्याप्तधनदानाशक्तः सोपस्करं गृहं दद्यात् । तत्राशक्तः सर्वस्वं दद्यात् । सर्वस्वपरिमाणमा**हांगिराः**

"सार्शीतिपणसाहस्राद्रूर्ध्वं सर्वस्वमुच्यते । निर्धनो ब्रह्महा शुध्येत्सुखाधिकयान्नरेश्वरः" ॥ इतीति व्यवस्थापितवान् । व्यवस्थामेवाविरोधायाह । **यद्पीत्यादिना** । 'चतुर्विधोपपन्ने' त्विति पाठः ।

त्वातुरित्यपपाठः । प्रथमांतपाठे सभ्याविशेषणं विधिवद्विनिर्दिशेदित्युक्तं विधिमेवाह । **सेतुबंधे** तु दुष्कृतेत्यस्यैव विवरणं **महेति** । **ततः** स्नानात् । एतदंगभूतमंते दानमाह । **दत्वा चेति** । सुपवित्राणि गवादीनि चतुरि तदधीतवते पक्षांतरो मेदं "विंध्यादुत्तरतो यस्य निवासः परिकीर्तितः" । **पराशरमतं** । तत्तस्य सेतुबंधस्य दर्शनमित्यत्रैव छेषातस्यैवेदं नान्यस्येति बोध्यं । अत्र **कल्पतरौ** । सर्वोन्यथा । **पराशरपाठः** । तत्वं तु **माधवतो** ज्ञेयं । **समानेति** तत्राशक्तस्येति भावः । अत एव **भविष्यत्पुराणे**

"जातिमात्रं यदा हन्याद्ब्राह्मणं ब्राह्मणो गुह । वेदाभ्यासविहीनो वै धनवानग्निवर्जितः ॥
"प्रायश्चित्तं तदा कुर्यादिदं पापविशुद्धये । धनं वा जीवनायालं धनं वा सपरिच्छदं ॥

"यद्वा **पराशरोक्तेन** प्रायश्चित्तेन शुध्यतीति" । संवत्सरं अभिव्याप्य कृच्छ्रमिति जातावेकवचनं । त्रिषवणीति त्रिषु सवनमभिषको यस्य स । षुञ् अभिषवे । **त्रिवर्षणीति** तु **कल्पतरौ** पाठः । वृषु सेचने । द्वंद्वोपपत्तिः प्राग्वत् । आध्यवसायः संकल्पः । जिघांसा हंतुमिच्छा । तृतीयं पक्षमाह । **पराकेति** । **सप्रत्ययेति** ज्ञानपूर्वकेत्यर्थः । एवमग्रेऽपि । **अप्रत्येति छेदः** । **संगमे** प्रायागाख्यतीर्थराजे । उपसंहरति । **एवमिति** । विशेषमा**हैतानि चेति** । **तु** ह्यर्थे । द्विगुणा

मि. पृ. २५५, अष्टौ ब्राह्मणाः त्रिगुणा द्वादशेतेऽत्र **प्रजापतिरपि**

"द्विगुणं त्रिगुणं चैव चतुर्गुणमथापि वा । क्षत्रविट्शूद्रजातीनां ब्राह्मणस्य वधे स्मृतमिति" ॥
विपर्ययनिरासमाह । **एवं चेति** । तस्य द्विगुणादो चेत्यर्थः । यथासंख्यमग्रेऽन्वयः । न्यूनतां परिहरति । **अनयैवेति** । **हीनोत्कृष्टेति** । हीनेनोत्कृष्टवधे इत्यर्थः । हेत्वसिद्धिं परिहरति । **दोषेति** । कंठतोऽत्रापि दंडगौरवस्यानुक्तत्वाद्दृष्टांतं मौलमेवाह । **यथोक्तमिति** । व्याख्यातमिदं । **अपवादः** । "अपवादस्तु निंदायामाज्ञाविश्रंभयोरपीति" **विश्वः** ।

विरोधं परिहरति । **यत्विति** । आनुलोम्ये ह्रासोक्तेराह । **प्रातीं** । उपलक्षणोक्तानुरोधेनाह । **चतुर्विधेति** । चौर्यवाग्दंडपारुष्यस्त्रीसंग्रहणरूपेत्यर्थः । तत्र द्वैगुण्यादेस्तत्वादिति भावः । न्यूनतां निराचष्टे । **तथेति** । **दर्शितं चेति** । **मूलकृतैवेति** भावः । **दंडेति** व्याख्यातं । तथा सति दिक्प्रदर्शनमाह । **ततश्चेति** । तद्वत्कल्पने चेत्यर्थः । अध्यर्थं अष्टादशवार्षिकं । एवमन्यत्रापि । स्वसंनिहितोत्तमापेक्षयाऽधिकं स्वसंनिहितनीचापेक्षया न्यूनमित्येवं बोध्यं । प्राग्वदाह **अनयैवेति** ।

तथैवाह । **तथेति** । **आश्रमिणं** गृहस्थभिन्नानां ब्रह्मचर्यादीनां । **अपिः** पूर्वसमुच्चये । **ब्रह्मेति** । तत्साक्षात्कारादर्वागित्यर्थः । शौचवदित्यनेन सूचितमाह । **शौचवदितीत्यादिना** । मानत्वमा**हैतादिति** । **शोधनमित्यस्य** व्याख्या **प्रायश्चित्तेति** । वर्द्धने भवतीत्यर्थः ।

तत्र प्रागुक्तमेव विशेषमाह । **ब्रह्मेति** । **पुनस्त्वर्थे** । प्रागुक्तांगिरसमध्यपादद्वयमाह । **बाल इति** । वस्तुतस्तु तस्याब्रह्मचारिषु सफलतयाऽस्य षोडशवर्षोत्तरं सावकाशतया तन्मध्ये उभयप्राप्तौ किं केन बाध्यमित्यत्र विनिगमकाभावाद्विकल्पः । तत्रार्हतीत्याद्युक्त्याऽत्र कुर्युरिति विधेरुक्त्या प्राबल्येनेदमेव वेति बोध्यं । पत्यंशे एवातिबहुकालत्वाच्छंकते । **न चेति** । **विपत्तिर्मरणं** । **प्रवृत्तिरिति** आदाविति भावः । **व्यवसिते** प्रारब्धेरेवासाविति । रेवस्यादिति पाठांतरं । तथा चोभयत्र शुध्या और्ध्वदेहिकादित्यस्य भवत्येवेति भावः । इदमन्यत्रापि बोध्यं । अविशेषात् । अत एव सामान्यमप्याह । **व्यासोऽपीति** । **न शक्नोति** विपत्त्यादिना परिसमापयितुं । **प्राप्ते** कर्त्तरि क्तः ॥२५०॥

याज्ञवल्कीये २५१ श्लोकः ।

अधुना मुख्यब्रह्महत्यायां प्रायश्चित्तकथनानंतरं प्रारंभात्पूर्वं परिसमाप्तेरुत्तरं च नेदं स्थग्रहणादित्याह । **दीक्षेति** । इष्टिविशेषा एते । **वर्तेति** । प्रारब्धापरिसमापितसोमयागप्रयोगावित्यर्थः । 'यत्क्षत्रं निधाय स्वान्यायुधानि ब्रह्मण एवायुधैर्ब्रह्मणो रूपेण ब्रह्म भूत्वा यज्ञमुपवर्तत" इति । अन्वयाय शेषमाह । **यदित्यादि** । सवनगतावित्यत्र कर्तरि आदिकर्मणि क्तः । **सवनं** सोमाभिषवः । एवं च दर्शादिस्थे तत्र नायं दोष इति भावः । श्रुत्या सोमयागं प्रति क्षत्रियस्य सोमयागकर्तुं ब्राह्मणत्वोक्तेश्च । **द्वादशेति** सवनस्थक्षत्रादिवधे इत्यादिः । अतिदेशप्राप्तं सांकर्यादि-

मि. पृ. २५६ निरासायाहात्र **चेति** । आतिदेशिके चेत्यर्थः । **आदिनात्रेयी**वधः । बहुवचनं तद्भेदात् । विशेषमाह । **मरेति** । व्रतशब्दस्य तत्रैव रूढेः । एवमन्यत्रापि बोध्यं । नन्वेवं कामकृतेऽत्र तदभावापत्ति तत्र तस्यैव हितत्वादत आहात **इति** । तदभावादित्यर्थः । प्रागुक्तस्मृतित इति भावः । **समन्यायेन** अतिदिष्टत्वात्किंचित् न्यूनतां प्राप्तां निराचष्टे । **तच्चेति** । **द्वादशेति** । सवनस्थक्षत्रादिवधे इत्यादिः । इत्थं हि क्षत्रादिवर्णानुवृत्तौ **सः** (१।९।२४।६–२०) "पूर्वयोर्वर्णयोर्वेदाध्यायं हत्वा सवनगतं वाऽभिशस्तो ब्राह्मणमात्रं च । तस्याविज्ञातमात्रेयीं च स्त्रियं । तस्य निर्वेशेऽरण्ये कुटीं कृत्वा वाग्यतः शवशिरध्वजोर्धशाणीपक्षमधोनाभ्युपरि जान्वाछाद्य । तस्य पंथा वांतरा वर्त्मनी । दृष्ट्वा चान्यमुत्क्रामेत । खंडेन लोहितकेन शरावेण ग्रामे प्रविशेदभिशस्ताय भिक्षामतिसप्तागाराणि चरेत । सावृत्तिरब्धोपवासो गाश्च रक्षेतासां निष्क्रमणप्रवेशेन द्वितीयो ग्रामेऽर्थो द्वादशवर्षाणि चरित्वा शिष्टैः सद्भिः संप्रयोग" इति । पूर्वयोः क्षत्रियवैश्ययोः । वेदाध्यायो वेदाध्येता-सवनगतो दीक्षणीयासंस्कृतः निर्वेशः प्रायश्चित्तं शणनिर्मितवस्त्रार्द्धपक्षं इत्याद्यर्थः ।

उत्तरार्द्धं व्याचष्टे । **गर्भमिति** । यथावर्णमित्यनुरोधेनाह । **विज्ञास्विति** । अन्यत्र तत्वाभावादिति भावः । प्रागुक्तरीत्या गुरुणाऽल्पस्यापि, निर्वाहादाह । **पुरुषेति** । अत एव पूर्वं **वसिष्ठ** उक्तः । **अविज्ञातं** चेत्यादि । तत्र प्रकरणाद्गर्भो ब्राह्मणस्य । तत्वं च एवमेव । अविज्ञाता हीत्यनेन तद्वर्णपुरुषवधप्रायश्चित्तं सूचितं । तस्यातींद्रियत्वादाह । **व्यंजनेति** । बहुव्रीहिरयं ।

विप्रगर्भाशिनास्योपभोग इति शंकते । **अत्र चेति** । एषां मध्ये चेत्यर्थः । संभवादिति । तद्वधे चेति शेषः । **अपीति** । तथा च विकल्पापत्तिरिति भावः । **अर्थवदिति** सामान्येनोक्तं तत्रापीति भावः । **यथायथं** यथायोग्यं यथाशास्त्रमिति यावत् । स्त्रीत्वाद्यनुसारेणेति भावः ।

नद्यादौ विशिष्टस्यैव पाठादाह । **निषूदक इति** । तथेत्यस्यानुषंगमाह । **व्रतमिति** । तदर्थमाह । **हन्येति** । तद्वर्णपुरुषवधसंबंधीत्यर्थः । रोगादिजत्वानिरासायाह । **ऋत्विति** । अत्र ऋतुस्नातायां एतत् आत्रेयाख्यं । एष्यदिति पाठे भावीच्छाविषयभूतामित्यर्थः । इदं च व्युत्पत्तिप्रदर्शनार्थं वंध्याव्युदासार्थं चेति केचित् व्युत्पत्तिप्रदर्शनमात्रपरमित्यपरे **इत्यपरार्के** । प्रथमोपस्थितत्वादाह । **अत्रिगोत्रजा चेति** । तदुत्पन्नेत्यर्थः । **चेन** विवाहादत्रिगोत्रायाः संग्रहः । अत एव साधारणे मानमाहात्रीति । "एतन्महाव्रतं ब्राह्मणं हत्वा द्वादशसंवत्सरान्कुर्यात्" इत्यादि'मित्रं वे'त्यंतश्च । अत्र मित्रग्रहणं गुणवद्विषयं । मूले ब्रह्महत्यासमेषु तदुक्तिरगुणवद्विषयेति न विरोधः ।

"जन्मप्रभृतिसंस्कारैः संस्कृता मंत्रवच्च या। गर्भिणी त्वथवा या स्यात्तामात्रेयीं विदुर्बुधाः॥"

इति **यमाच्च** । प्रागुक्तगर्भिण्यपि स्त्री वधं विना गर्भवध औषधादिना तत्पातनं । उभयतात्पर्यमा**हैतदिति** । अत्र बोध्या मंत्रवत् ब्रह्मवादिनी क्षत्रस्यैतद्गोत्राभावेनाक्षत्रियात्रेयी तद्भिन्ना ग्राह्या । एवमग्रेऽपि । न्यूनतां परिहरति । **चशब्दादिति** । आत्मावित्यपेत्यंतेन ब्रह्महत्याव्रतान् ।

"मुक्त्वा गर्भमविज्ञातमज्ञेतदेव व्रतं चरेत्। राजन्यवैश्यौ चेज्जातावात्रेयीमेव च स्त्रियम्" (११।८७), इत्युक्त्वा चैवेति। एतदेवेत्येकवचनात् द्वादशवार्षिकस्यैवातिदेश इति केचित्। अन्ये तु शुद्धिकरणसामान्यापेक्षं तदतः सर्वप्रायश्चित्तातिदेश इत्याहुः । ईजाने कालाविवक्षा उक्तहेतोः । एतेषां व्यवस्थामाह । **यत्रेति** । तत्राद्ये मानमाह । **यथेति** । **अनिंदितां** पातिव्रत्यादियुतां । द्वितीये मानमाह । **सवनेति** । सर्वतात्पर्यमाह । **एवं चेति** । प्रत्येकं त्रितीयवधे इत्यर्थः ।

अनुपेति । अनुवाद्येत्यर्थः । गृहैकत्ववदिति भावः । अविवक्षावश्यकत्वसूचनाय प्रकृतानुप्रयुक्तत्वेऽपि वचनोल्लेखः इत्यस्य पूर्णव्रतस्य। एवं **मानवेऽपि** शंका बोध्या। **जनेति**। आत्रेयीसवनस्थाग्निहोत्रिणीभिन्नाया इत्यर्थः । उक्तहेतोरत एव पूर्वविरोधो न णर्थमिति अतिदेशवचनमित्यस्यानुषंगः । प्रागुक्तमेवोपसंहरति । **अत इति** । विशेषमा**हातीति** । **त्यागेति** । तद्रूपकार्यतादृशक्षत्रादिहंतरि नेत्यर्थः । **आदिना** द्विजातिकर्मभ्यो हानिरित्यादिपरिग्रहः ॥ २५१ ॥

याज्ञवल्कीये २५२ श्लोकः ।

अन्यत्र तदतिदेशमाह **किंचेति** । एवमग्रेपि । तद्भिना तदसंभवादाह । **ब्राह्मेति** । घातार्थमित्याद्यक्षरस्वारस्यादाह । **तद्व्यापेत्यादिना** । सृष्ट इति प्रसक्त
मि. पृ. २५७. इत्यर्थः । अत एवायुक्तत्वादेव । **किंचेति** । सवनस्थे तु ब्राह्मणहते सति हंतुर्व्रतं द्विगुणमिति शाब्दोऽर्थस्तत्फलितमाह । **यस्त्विति** । सवनशब्दस्तत्संपाद्ये सोमयागे लाक्षणिक इत्याह । **सोमेति** । प्राग्वदा**हान्वितेति** । **तस्मिन्**ब्राह्मणादौ । **आदिना** क्षत्रादौ पर्षदित्यनेन प्राप्तद्विगुणादेर्मूर्द्धावसिक्तावष्टादशवार्षिकादेश्च परिग्रहः । एतेन क्षत्रादिपरतयैवेदं योजयन्**मदनः** परास्तः । प्राग्वदाह । **तेषां चेति** । नन्वातिदेशिकेषु पादोनं चेत्समेष्वपि तथैव स्यादत आह । **ब्रह्मेति**। **अर्द्धोनमिति** । अनेन प्रागुक्तं किंचिन्न्यूनमिति पदं व्याख्यातं। अयं भावः। अतिदेशो द्विविधः। तद्रूपातिदेशः सादृश्यातिदेशश्च। तत्राद्ये पूर्ववचनसत्वे पूर्णमन्यथापादोनं द्वितीये त्वर्द्धमिति । एतेन यत्र समत्वोक्तिरतिदेशो वा तत्र साक्षादनुपदेशोपादानं यत्र तु साक्षादुपदेशः यथा वैष्णवे आत्रेयीवधविषये यागस्य क्षत्रादिवधविषयस्तत्र संपूर्णमेव । एवं **न्यायेना**तिदेशेऽपि संपूर्णमेवातिदेशस्याखंडत्वादिति **मदना**द्युक्तमपास्तं । यत्तु **भविष्यत्पुराणे**

"ब्राह्मणं यजमानं च हत्वा निष्कृतिमाचरेत्। चरित्वा द्वादशाहानि सेतुबंधं च पश्यतीति"॥
तत् गुर्वाचार्यादिरूपसोमयागकर्तृविषयं । यतस्तत्रैव

"निहत्य सुरशार्दूल हंतुर्वै ब्राह्मणस्य तु" अथवा गुरुविषयं प्रायश्चित्तमिदं । "गुरुवचनादेव शार्दूल तत्त्वतस्ते ब्रवीम्यहमि" त्युपक्रम्य "ब्राह्मणं यजमानं चेति" पठितं । अत्र द्वादशाब्दा-

नीति बहुत्वं **कापिंजलाधिकरणन्यायेन** त्रित्वे पर्यवसितं । युगपत्कामतोऽकामतो वाऽनेकब्राह्मणवधे **तत्रैव** विशेषोऽभिहित ।

"एककालं यदा हन्याद्युगपत्सुर....नं । निमित्तमेकमाश्रित्य हंति नैकेन वा विभो ॥
"ब्राह्मणं ब्राह्मणो वीर ब्राह्मणान्सुबहूनपि । निहत्य युगपद्वीर एवं प्राणांतिकं चरेत् ॥
"किंत्वत्र सुरशार्दूल विशेषं गदतः शृणु । बुद्धिपूर्वाबुद्धिपूर्वं विकल्पं शृणु पुत्रक ॥
"अकामतो यदा हन्याद्ब्राह्मणान्मानवो गुह । चरेद्वने तदा घोरे यावत्प्राणपरिक्षयं ॥
"कामतश्च यदा हन्यात् ब्राह्मणान्सुरसत्तम । तदाऽऽत्मानं दहेदग्नौ विधिना येन तं शृणु ॥
"भूत्वा निष्कालको वीर वेष्टयित्वा तु वाससा । घृताक्तेन महाबाहो दत्वा सर्वस्वमेव हि ॥
"हित्वा पादौ करीषाग्नौ दहेदात्मानमात्मना । उत्तमांगाद्धि विधिवत्तदस्येत्सुरसत्तम ॥

"एवमत्र महाबाहो निर्दोषः परिकीर्तितः ।" इति । निष्कालकः कालांतरानपेक्ष इति **स्मृतिमंजर्यां** । निर्गतं कालं कृष्मवर्णात्मकं केशादि यस्मात्स निष्कालक इत्य**परार्कादौ** । अत्र सर्वसाम्ये विकल्पो वैषम्ये व्यवस्था कल्प्येति सर्वनिबंधसंमतोऽर्थः । जातिशक्तीति **देवलसम्मतश्च** । यद्यपि न्यूनत्वस्य देहस्य परतया मानसपरतया प्रयोजकानुमंत्रादिपरतया वा बहुधा संभवादेकरूपा कल्पना दुर्लभा तथा च स्मृतिकाराणां तात्पर्यनिर्णयो दुर्लभ इत्य**वसिष्ठ**मेव तत्र च **माधवाचार्यै**रित्थमेवाशंक्यत एव निबंधेषु दृश्यते नैकवाक्यतेत्यनेन निबंधकारवचसामपि सत्प्रतिपक्षग्रस्तता मुक्ता तथापि पर्य्यां(?)पूर्वनिबंधेषूक्तं तथैव मया लिख्यते इतिवदद्भिरतीव गहनत्वमेव **धर्मस्थस्फुटीकृत**मिति न तत्राभिनिवेष्टव्यमिति दिक् । एतेषु कपालध्वजधारणादिकं नास्तीति बोध्यं॥ २५२ ॥

इति ब्रह्महत्याप्रायश्चित्तप्रकरणम् ।

याज्ञवल्कीये २५३ श्लोकः ।

क्रमेति । उद्देशक्रमेत्यर्थः । एवमग्रेऽपि । सादृश्यं न वर्णकृतं किंतु स्पर्शकृतमित्याह । **क्वाथेति** । क्वाथेन स्पर्शमात्रान्मरणक्षममिति यावत् । अनतिप्रसंगाय रामार्जुनगतिस्त**योरिति**- वन्मिथः साहचर्याश्रयणमित्याह । स्पष्टार्थमाह । **धेन्विति** । **विशेषमाहतत्रेत्यादिना** । **ताम्रेण** वेत्यत्र ताम्रवर्णामिति पाठस्तु पुनरुक्तिग्रस्तः । तथा च पात्रयोर्विकल्पः । **अंगिरसा** अन्यदप्युक्तं

"भृगुप्रपाते पतनं ज्वलनं वा समाविशेत् । महाप्रस्थानमातिष्ठन्मुच्यते सर्वकिल्बिषादिति" ॥

एतच्च मरणांतिकं प्रायश्चित्तं कर्षदानादेष्टव्यं । अपि तु व्युत्पन्नश्चेत्स्वयमेव ज्ञात्वा कुर्यादव्युत्पन्नश्चेत्प्रायश्चित्तस्वरूपं विशिष्टेभ्यो ज्ञात्वा तदनुज्ञां विना स्वयमेव कुर्यात्तथा च **मनुः** (११।१४९) "मतिपूर्वमनिर्देश्यं प्राणांतिकमिति स्थितिरिति"। एवं **प्राणांतिकेषु सर्वत्र बोध्यं** । मात्रं कात्स्न्र्ये । अत **एवापि**: । सार्थकोऽग्रेहीति । तत्र पाठे तु अवधारणेयं तत्सुरेति **पेष्टीत्यर्थः** । **मुखे इति** पूर्वान्यपि । **अवाप्नुयादिति** ।

"गोमूत्रमग्निवर्णं वा पिबेत्सलिलमेव वा । कुर्याद्वाऽनशनं तावद्यावत्प्राणैर्विमुच्यते ॥" इति ।

तच्छेषः । कुर्यादित्यनेन तत्पानेनाप्यमरणे यावत्प्राणवियोगं तदनंतरमनशनमित्यपि सूचितं । मरणांतप्रायश्चित्तानंतरं यत्र शवशरीरमस्ति तत्र मरणादेव पापस्य गतत्वाद्दाहादिसंस्कारः सद्य एव भवति । तथा च भविष्यत्पुराणं

"आयसे भाजने तप्तां ब्राह्मणो वारुणीं पिबेत् । अग्निवर्णां पापहरां ततः पापात्प्रमुच्यते ॥
"जीवितस्यांतकाले तु श्मशाने ... विधिरिति ॥"

विधिर्दाहादिः । कर्तव्य इति शेषः । शरीराभावेऽस्थ्नां पालाशविधिना वा संस्कारः कार्य इति बोध्यं । पिबेदिति "तयाऽस्य कार्ये निर्दग्धे मुच्यते किल्बिषात्तत" इति तच्छेषः । शास्त्रार्थेति । न तु स्वरूपापरिज्ञातेत्यर्थः ।

मात्रं कात्स्न्यें । एवमग्रेऽपि । एवेनान्यनिरासः । तत्र तेषां मध्ये वा । वासिष्ठे प्रागुक्ते सुरात्वं सर्वो(?)डोपाधिरित्याह । मदेति । पानसं पनससंबंधि । द्राक्षासंबंधि मधूकसंबंधि खर्जूरसंबंधि तालसंबंधि इक्षुसंबंधि माक्षिकोत्थं क्षीरसंबंधि अरिष्टसंबंधि मिरिचसंबंधि नालिकेरजन्यं ।

मि. पृ. २५८. वासिष्ठादिगत्यर्थमाहातश्चेति । दृश्यते स्मृतिषु मधुमाक्षिकं । अन्यायश्चानेकार्थत्वमिति न्यायविरोधमाशंकते । न चेति । मदेति । तज्जननेत्यर्थः । तथा च शक्यवच्छेदकैक्यान्न स दोषः । तद्भेदे एव तत्त्वांगीकारादिति भावः । शुद्धयौगिकत्वाभिप्रायेण शंकते । न चेति । यं केति । पूर्वमतेपीदं बोध्यं । अतश्च तिसृषु मुख्यत्वाच्च प्रागुक्तमनूत्तरार्धमाह । यथैवेति । एका मुख्या पैष्टी । सर्वा गौडी माध्वी च । असुरयोः सुराभिन्नयोः येन तत्र प्रायश्चित्तार्द्धं भवेदिति भावः ।

नन्वेवं तस्मादिति मनुना त्रयाणां मुख्यमात्रनिषेधबोधनात् द्विजोत्तमैरित्यनेन विप्रस्यैव तन्निषेधान्मिथस्तयोर्विरोधोऽत आह । द्विजोत्तमेति । पुरुषोत्तम इतिवत्प्रयोग इति भावः । हेत्वंतरमाह । तथेति । एवमग्रेऽपि । अन्नानां मलं वै निश्चयेन सुरो मुच्यते मलं च पाप्मोच्यत इत्यन्वयः । पाप्मा पापं । तत्त्वेन तस्य व्याख्यानं निंदातिशयदर्शनार्थं । ननु अत्रान्नशब्दो नौदनपरो रूढः बहुवचनरसंगत्यापत्तेः । अदनीयमात्रपरत्वेति प्रसंगापत्तिरत आहान्नेति । आदिना गोधूमादिभक्तसक्तु अपूपादौ प्रसिद्धतरतस्तत्र प्रयोगः । अत एव तत्र भेदोपपत्तिरिति भावस्तदाह । गुडेति । तथा च पिष्टविकारत्वात्पैष्टीत्वं तत्र सिद्धं तदाह । पैष्टचैवेति । अत इत्यादिः । इतेति । गौडीमाध्व्योरपीत्यर्थः । तु इति पाठांतरं । औत्पत्तिकस्तु शब्देनार्थस्य संबंध इति न्यायेनाहौत्पत्तीति । इदं मानवं । दार्ढ्यायोपसंहरति । अत इति । तस्य तदपरत्वादित्यर्थः । कार्यमेवाह । गुर्विति ।

अत्र लाघवमाहैवं चेति । तत्र तस्य गौणत्वे चेत्यर्थः । अस्योद्धृतत्वादाह । नापीति । न चेति नापीत्यर्थः । एवं सति मिथो विरोधाभावादिति भावः । तदेवाहातश्चेति । अनुपलक्षणत्वेन तदेकवाक्यतया चेत्यर्थः । तस्मात् पापरूपत्वात् । मद्यानां मद्यानां तु पक्षेति देवानां हविश्चरुपुरोडाशादिदर्शाद्युदितं अश्नता ब्राह्मणेन पश्वादीनां निंद्यानां भक्ष्याविवेकशून्यानामन्नमदनीयमद्यं मासं सुराऽऽसवं च न भक्षणीयमित्यर्थः । तस्य तानि भक्षितुं ये योग्यान्यानि न तानीति भावः । सुरासवमित्यत्र सुरैवाऽऽसवस्तमिति केचित्सुरा चासवश्च जातिरित्येकवद्भावस्तत् । आसवो मद्यविशेष एव । ब्राह्मणवसिष्ठन्यायेन पृथगुक्तिरिति मेधातिथिः । खार्जूरेति पूर्ववत् ।

अपिरकामसमुच्चये कथंचन शास्त्रार्थज्ञानेन तदज्ञानेन च एवार्थमेवाहासुरामिति। तयोः क्षत्रियवैश्ययोः। क्षीबाविति। उभौ चंदनचर्चितौ। एकपर्यंके शयिनौ इति मध्यः। संजयस्य धृतराष्ट्रं प्रत्युक्तिः। (?) मेवमनयोरपि ब्रह्मचारिणोरस्त्येव निषेधः। सामान्येन तदवस्थायां मध्वादिनिषेधकथनात् इति बोध्यं। मानवं योजयति। एवमिति। उक्तरीत्येत्यर्थः। मात्रं कार्त्स्न्ये। सत्येति। तथा चाधिमेव प्रायश्चित्तं तत्रेति भावः। परिहरति अतश्चेति। तथानिषेधाच्चेत्यर्थः। वर्णेति। उपनीता उपनीतेत्यर्थः। तत्र द्विजत्वमुपलक्षणं न तु विशेषणमिति भावः। वैपरीत्यनिरासायाह। निमित्तेति। अस्यादृष्टत्वनिरासायाह। यथेति। हविर्मात्रेति सकलहविर्निर्वापे साति तत्र चंद्रोदयस्येत्यर्थः। नन्वेवं तेषामपि मरणांतिकं स्यादत आहेयांस्त्विति। सर्वशब्दग्रहणादिति भावः। आदिना स्त्रीपरिग्रहः। एवं तत्र मुख्याविषये उक्त्वान्यत्राप्याह। तथेति। तद्वदित्यर्थः। नीतेन तदादिना।

मि. पृ. २५९

उभयत्र शंकते। नन्विति। अत्रैकं हेतुमाह। प्रागित्याद्यवगतेरित्यंतेन। नन्वयस्यान्यपरतयाऽपि सुयोजत्वादाह। तथेति। विशेषपरेत्यर्थः। आङभिविधौ। सुह्रादिति मध्यमपदलोपिसमासः। वाक्ये इति जातावेकवचनं। स्थितिः सिद्धांतः। कामकारे उक्तं प्रागकामकारे आह्वात इति। निषेधस्य तदाश्रयत्वादित्यर्थः। इति इत्यत्र। वचनात् वचनव्यक्तेः सर्वशब्दबलादिति भावः। एतेन सुरापाने षट्कृच्छ्रः कल्प्या वक्ष्यमाणवचनादिति मदनाद्युक्तमपास्तं। एवमुक्तमुख्यरीत्याऽन्यत्रापि तथाप्राप्तावकामकारे विशिष्याह। तथेति। किंचेत्यर्थः। बालः विप्रबालः। प्रकरणात्क्षत्रादेस्तदनिषेधाच्च। एवं चेदं विशेषपरमेव। मोहात् अज्ञानात्। अतः कामकृतेऽत्रापि द्वैगुण्यं द्रष्टव्यं। सूक्तं व्याख्यातं। अत एव तत्र भक्षपदस्वारस्यमपीति बोध्यं। स्वल्पेति। नञोऽल्पार्थत्वात्। अत एव दोषस्याल्पत्वादेव। गर्भैः गर्भाधाने क्रियमाणैः। होमैरित्यस्याग्रेऽप्यनुषंगः। अत्र द्विजानामित्युक्तिस्वारस्येन येन तत्वसंपत्तिस्तेनैव तत्कृतदोषस्यापि निवृत्तिरन्यथा तत एव तदपि न स्यादिति भावः। तात्पर्यार्थं अन्यो मोहायाह्वायमिति। चस्त्वर्थे। कदाचिदपि ब्रह्मचार्यन्यत्र निषेधः। इतीति शेषः॥ २५३॥

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बालेत्यस्यार्थमाह। गविति। अविनिमयकत्वात्सर्वग्रहणमिति भावः। तयोः तयोरपि तत्र सहनिर्देशादत्रापि तथोक्तं क्षीरस्यापीति तु तत्वं तत्र यथासंख्यसत्त्वात् जटीति वाशब्दस्तु पूर्वेण वक्ष्यमाणेन च व्यवस्थितविकल्पार्थ इत्यग्रे स्फुटीभविष्यति। एतेन वाशब्दान्मुंडो वेत्यपास्तं। आदिना जाटी वेत्यस्य परिग्रहः। यदत्रैव मनुना ध्वजीत्युक्तं तत्पानपात्रे ध्वजित्वमिति मेधातिथिमदनादयः। इति इत्यनेनास्यैवेति व्रतशब्दोक्तेरिति भावः। अत्र च अकामविषये च हेतुः कुर्यादित्यत्रान्वेति। तथाऽन्यप्राग्वदत्रापि वचनसत्वे पूर्णमन्यत्र पादोनमिति व्यवस्था बोध्या। पिंडानं तिलकल्कपिंडीकृतमिति पाठांतरं। कपिंजलाधिकरणन्यायेन। वर्षत्रयेति। त्याग इति। यथा च सकृदपि प्राणयात्रामात्रमेव कार्यं। न न्यूनमधिकं वेति भावः। एतच्च पिण्याकादिभक्षणं च। उदकेति अकामत इति शेषः। कामतस्तु तत्पाने छवर्षेतरं व्यासेन

द्वादशवार्षिकाभिधानात् इति भावः । तदाहैतदेवेति । ब्रह्महत्याव्रतमेवेत्यर्थः । मद्यवच्छर्दने कृते इतिमद्यपः कृतछर्दन इति कल्पतरौ पाठः । एतेन द्वादशवार्षिकादि सर्वं मूलोक्तं जलबुद्ध्या सकृत्सुरापानछर्दनविषयं व्यासोक्तेः । पिण्याकादिभक्षणेन संव्यवहार्यत्वमेव नरकनिवृत्तिरिति कल्प्यं प्रायश्चित्तस्याल्पत्वात् । यद्वा द्वादशवार्षिकाशक्तं प्रत्युपदेशः स तु लोकद्वयेऽपि शुद्ध इति मदनाद्युक्तमपास्तं । व्यासवाक्ये तदतिदेशादेव मद्यशब्दो मुख्यसुरापर इति बोध्यं ।

मतांतरं खंडयति । न चेति । तत्संसृष्टं ईषदुपलभ्य मानतद्गंधरसं च यदुदकं तत्पानेत्यर्थः । मि. पृ. २९० इदं पिण्याकादिभक्षणं । संसर्गे मिश्रणेऽपि । तत्र दृष्टांतमाह । यथेति । दधिमिश्राज्यं पृषदाज्यं । तत्रैव किं मानमत आहात एवेति । तदनपायादेवेत्यर्थः । न्यायविद्भिर्जैमिनीयैः ।

आविरोधमाह । यत्पुनरिति । 'गुरुदारान् च गत्वा ब्रह्महत्यामकृत्वेति' ब्रह्महत्यां चेत्यपाठः । त्रयाणां प्रत्येकं कृत्वेत्यर्थः । ब्रह्महत्यामकृत्वेति विशेषकथनं संसर्गप्राप्त्यर्थं । अत एव गुरुदारं चेति चसफलः । अग्रेऽर्थतोऽनुवादो न शब्दतः । अप इति त्रिषु सवनेषु प्रातरादिषु भूमिगतासु उद्धृतासु च स्नानमाचरेदित्यर्थः । एकेति । तथा च विकल्पः । सः पुनः पश्चात्तैः साम्यं प्रभुयादित्यर्थः । च यदि पुनः पश्चादपि तां न पिबेत्तु तदा तां स सकृत्पीत्वा यो भूमिदानं प्रकर्षेण कुर्यात्स संस्कृतः पुनरुपनयनाख्येन संस्कारेण तादृशः सन्विशेषेण शुध्यतीत्यर्थः । स्वल्पत्वादाह । पूर्वेणेति । पिण्याकं वेत्यादिनेत्यर्थः । यागदानयोरुत्तमत्वादाह । यद्वेति । अत्रापि पिण्याकं वेत्याद्युक्तत्रैवार्षिकविषयेऽपि । आदिना रोगिणः स्त्रियश्च ग्रहणं । ऊढानूढाभेदेन विवाहस्योपनयनस्थानत्वात् । अपनुतिस्तज्जन्यदोषनिरासः । अग्रे व्युत्क्रमेऽप्यन्वयः । एतेनेदं गौडीमाध्वीपरमिति ज्ञानतः प्राणात्ययादिपरमिति च मेधातिथ्याद्युक्तमपास्तं सुसुराशब्दश्रवणात् ।

अत्रैव शंकते । ननु चेति । तदंगेति । आन्यानयने चोदिते यात्रानयनवत् दोषस्य स्वल्पस्य प्रायश्चित्तस्याल्पत्वाद्दोषस्याप्यल्पस्यैव कल्प्यत्वात् । अस्यादृष्टचरत्वनिरासायाह । चरेदिति । इति इत्यादिना प्रायश्चित्तविधानेऽन्वयः । अत एवाग्रे आदिपदं । अत्र यथायथमन्वय ऊह्यः । तथा च तत्र पानशब्दस्तत्पर इति भावः । कृच्छ्रेति त्रैमासिकमित्यर्थः । विधिरिति पुनरुपनयनसंस्कार्यो भवेदित्यर्थः । रुक्मं हेम द्विजेत्यव्यवहितपूर्वान्वयि । पाने इति । पानविषयकसंकल्पमात्रविषयकमिति माधवादयः । याम्यमात्रं तद्विषयमिति सूचितं । शुष्कसुरेति । सरससुराभांडोदकपाने तु साक्षतदवयवानां सत्वात्पादोनं सुरापानप्रायश्चित्तं कल्प्यं । तत्राप्यवयवाधिक्ये तु संपूर्णमेव अव्यवहितविषये एवाहाकामत इति । पुनस्त्वर्थे । मनूक्तमिति पाठः । यमोऽप्येवं । पयः क्षीरं । एवमग्रेपि । शृतं पक्वं । पाने सकृत्पाने । मि. पृ. २९१. अत एवाह । ज्ञानत इति । क्षीरेणेति । पक्वमित्यर्थः । सुरापेति । सीमयाजिन इत्यादिः । तत्सोमेति सोमप इत्युक्तेरल्पत्वाच्चेति भावः । प्रागुक्तहेतोराह । मतीति । कल्प्यमिति । सांतपनं कृच्छ्रप्राजापत्यं वेत्यर्थः । तदेव ध्वनयन्नाह । साक्षादिति ॥ २५४ ॥

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रेत इति समाहारद्वंद्वः । पृथगुक्तिस्वारस्येनाविरोधाय भेदेनाह । ब्राह्मण इति । गौतमोक्ते-

राह । तत्तेति । . . . । व्याख्याने बीजमुक्तमेवाह्वात्रेति । मूले इत्यर्थः । दर्शितत्वादिति । ब्राह्मणं प्रत्येव मद्यपानस्य निषिद्धत्वादिति भावः । वस्तुतस्तु "नराश्वमेधौ मद्यं च कलौ वर्ज्यं द्विजातिभिः" इति माधवोदाहृतब्राह्मेण कलौ सर्वान्प्रति तन्निषेधान्न वाक्यभेद इति यथाश्रुतमेव समंजसमिति बोध्यं । मद्येति । त्रिविधान्येत्यर्थः । ननु तत्सत्वान्मुख्यपर एव कुतो नात आह्वाज्ञानेति । अत्र आस्मिन् विषये । ततस्तदनंतरं । कुणपं शवशरीरं । अज्ञानादिति "मतिपूर्वमनिर्देश्यं प्राणांतिकमिति स्थितिः" इत्युत्तरार्धं ।

"यदि प्रमादेन पिबेत्सवर्णामनुगच्छति । सशिखं वपनं कृत्वा पुनः संस्कारमर्हतीति ॥" आङ्गिरा अप्येवं । पिबेदित्यत्र मद्यमिति शेषः । जननं चेति पूर्वान्वयि । अनीत्यग्रिमान्वायि । तस्य च न भवतीत्यर्थः । परिदानं "कस्य ब्रह्म" इत्यादेर्ददामीत्यंतमंत्रस्योच्चारणं । अथोपेतेति व्याख्यातं प्राक् ।

"पीत्वा प्रमादतो मद्यमिति कृच्छ्रं चरेत् द्विजः । कारयेत्तस्य संस्कारं शक्त्या विप्रांस्तु भोजयेत् ॥"

इति । बृहस्पतिरपि

"वपनं मेखला दंडो भैक्षाचर्या व्रतानि च । निवर्तंते द्विजातीनां पुनःसंस्कारकर्मणि ॥"

इति मनुः (११।१५१) । असुराया इत्यस्य साकांक्षत्वादेकदेशेन मद्येनान्वयः । त्रिविधभिन्नस्येत्यर्थः । एवमग्रेऽपि । कृच्छ्रातिकृच्छ्र इति पाठः । एतेषामिति इदमकामतः । कामतस्त्विदमेव द्विगुणं अभ्यासे आवृत्तिः । अत्यभ्यासे तु मरणमेव । अज्ञानतोत्यंताभ्यासे द्वादशवार्षिकं इति बोध्यं । कामतः सकृदपि तालादिमद्यपाने विप्रस्य मरणांतमेवेति तु प्राच्याः ।

एतच्चेति । अमुख्यमद्यपानविषये प्रागुक्तं सर्वं चेत्यर्थः । तत्र सुराशब्द उभयपर इति तद्विषयमनुक्तमाह । सुरायाश्चेति । एतेन द्रव्यांतरसंस्पृष्टसुराया बलात्पाने । तत्राप्यशक्तविषयमिति मदनाद्युक्तमपास्तं । पानेषु सकृत्पाने । एवमग्रेऽपि । अत्रैवाभ्यासे "विधेः प्राथमिकात्" इति न्यायेनास्य द्वैगुण्यं हि कल्पनीयं दर्शितत्वादिति । तथा च भविष्यपुराणं "गौडीमाध्व्योस्तथाभ्यासे प्राणांतिकमुदाहृतम्" इति । तथाऽज्ञानतः अमत्याऽत्यंताभ्यासेऽपीदं । तथा च माधवीये व्यासः

"मत्या मद्यममत्या वा पुनः पीत्वा द्विजोत्तमः । ततोऽग्निवर्णां तां पीत्वा मृतः शुध्येत्स किल्बिषात् ॥" इति

मि. पृ. २६२. प्राग्वत् । मुख्यभिन्नस्थले उभयत्राह । मद्येति । एकद्विविधेत्यर्थः । पाने सकृत्पाने । वर्तयेत् जीवेत् । अत्रेत्रिरात्रत्वाविशेषेऽपि द्रव्यकृतगौरवज्ञेयं । अत्यंतेति । उभयथापीति भावः । पयसा पक्वं । प्राग्वदाहैतेषु चेति । अत्रत्वमप्युक्तं प्राक् । तदेवाभीष्टमाहेदं चेति । कल्प्यमिति छर्दनं घृतप्राशनमहोरात्रोपवासश्चेति प्रागुक्तमेवेत्यर्थः ॥ २५५ ॥

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शुद्रविषये वक्ष्यमाणत्वादाह । द्विजातीति । ब्राह्मणीत्यस्यार्थमाह । द्विजातीति । लिङ्गर्थोऽविवक्षित इत्याह । पिबतीति । तत्प्राप्तौ हेतुमाह । कृतेति । 'इहैवे' त्यस्यार्थो

लोके इति । नरकभोगानंतरमिति भावः । यौगपद्यासंभवादाह । क्रमेणेति । ननु विशेषपरस्य कथं सामान्यपरत्वमत आह । ब्राह्मणीति । अत्र न त्वन्यत्र भार्या इति शूद्रापर्यंता इति शेषः । तथा च ताभिः सर्वाभिः सुरा न पेया । पाने त्वधं प्रायश्चित्तं । तदेव ध्वनयन्नुपलक्षणत्वे मानमाहार्तं एवेति । तस्योपलक्षणात्वादेवेत्यर्थः । मन्वर्थमाह । धर्मेति । वस्तुतस्तत्त्वाभावादाह । त्वमिति । वेति । साकांक्षत्वाच्छेषमाह । तस्येति । 'पतितेति' कर्मधारयो न बहुव्रीहिरित्याह । पतितस्य चेति । एवं शब्दार्थमुक्त्वा तात्पर्यार्थमाह । तस्मादिति । भार्यया स्वसवर्णया । नन्वेवं व्यर्थमिदमत आह । तस्मादिति । लिंगेति । उद्देश्यगतत्वादिति भावः । वचनं मानवं परमतात्पर्यार्थमाहात इति । तस्या अपि निषेधप्राप्तेरित्यर्थः । भार्याभिः सर्वाभिः शूद्रांताभिः । अयं श्लोको व्याख्यात्रा सुरापदस्योत्तरार्धस्य चानुरोधेनेत्थं व्याख्यातः । अत्र द्विजभार्येत्येव वाच्ये । ब्राह्मणीत्युक्त्याऽन्यदपि सूचितं । तत्र चार्षत्वात्पुंयोगे ङीष् न ङीन् । तथा च ब्राह्मणाभार्यया शूद्रयाऽपि मद्यमात्रं न पेयं । ब्राह्मणस्य निषिद्धत्वात् । यदि सा पिबति तदा पातित्यं नास्ति निषेधस्य शूद्रवर्णविषयत्वात् । तत्संसर्गात्पत्युर्ब्राह्मणस्यापि न पातित्यं किं त्वेनस्वित्वं गर्भे च दोषः । तावच्छूद्रावेदनमेव न सर्वसंमतं तत्रापि पीतमद्यया सह संसर्ग इति स्वल्पदोषोऽस्त्येव । अत एवोपपातकमध्ये "मद्यपस्त्रीनिषेवणम्" इति । पठितं तदेतत्सर्वमभिप्रेत्योक्तं शंखेन "सुरालशुनपलांडुगृंजनमांसादीन्यभक्ष्याणि वर्जयेदाहारमयं हि शरीरं तन्मयत्वात् ब्राह्मणः संकीर्येत मातुराशितपीतादिभिर्गर्भः संभवतीति"। क्षत्रविट्भार्ययोर्मद्यविषये प्राग्वद्बोध्यं । तदेव ध्वयन्नाह शूद्रेति । अन्यत्र यथायथं दोषसत्वादाह । शूद्राया इति । सर्वस्येति भावः । अत्रापि प्राग्वत्ताद्रूप्यातिदेशे वचनसत्वे पूर्णमन्यत्र पादोनं साम्यातिदेशे तु अर्द्धं इति बोध्यम् । तदाह सुरेति । सुरापानशब्दे वा भावकरणयोरिति णत्वविकल्पः । एतेन समातिदेशयोः पादोनकल्पनं ब्रह्महत्यायामेव महापातकमध्ये तस्यागुरुतरत्वादादिपाठाच्च । अत्र तु साम्येऽर्धं तदतिदेशे द्वितीयकक्षायां प्रायश्चित्तप्राप्तेः । साक्षाद्व्रतातिदेशे तु प्रथमकक्षायामेव तत्प्राप्तिरिति पादोनं येषां कौटसाक्ष्यादीनामुभयसाम्यं तत्राधिकपक्षाश्रयणेन पादोनमेव यद्वा शक्तिमतः पादोनं अशक्तस्यार्धं न्यायेनातिदेशे तु संपूर्णमेवातिदेशस्याखंडत्वादिति मनुनाद्युक्तमपास्तं ॥॥ २५६ ॥

॥ इति सुरापानप्रायश्चित्तप्रकरणम् ॥

याज्ञवल्कीये २५७ श्लोकः ।

संबंधांतरनिरासायाह । स्वामीति । स्वर्णशब्दोऽत्र परिमाणपर एवेत्याह । सुवर्णमिति । अस्य तात्पर्यार्थं संभवतीति न्यायेनाह । मुसलेति । तेनेत्यादेरर्थमाह । तेन राज्ञेति । अभिषेकादि-
मि. पृ. २६३ गुणयुक्तजनपदपरिपालकक्षत्रियेणेत्यर्थः । तस्यैव शासने शास्त्रेणाधिकृतत्वात् । मुक्त इति । मरणादिः ग्रहणं परस्वस्योपादानमिति यावत् । स्कंधेनेति (मनुः ११।९८–१०२)

"अत ऊर्ध्वं प्रवक्ष्यामि सुवर्णस्तेयनिष्कृतिं ।

"सुवर्णस्तेयकृद्विप्रो राजानमभिगम्य तु । स्वकर्म ख्यापयन् ब्रूयान्मां भवाननुशास्त्विति ॥

"गृहीतु मुस ; राजा सकृद्धन्यात्तु त स्वयं । वधेन शुध्यति स्तेनो ब्राह्मणस्तपसैव वा ॥

"तपसाऽपननुत्सुस्तु सुवर्णस्तेयजं मलं । चीरवासा द्विजोऽरण्ये चरेत् ब्रह्महणो व्रतं ॥

"एतैर्व्रतैरपोहेत पापं स्तेयकृतं द्विजः ।

"राजा स्तेनेन गंतव्यो मुक्तकेशेन धावता । आचक्षाणेन तत्स्तेयमेवं कर्मास्मि शाधि माम्॥"

इत्यादि । (८।३१५)

"शासनाद्वा विमोक्षाद्वा स्तेनः स्तेयाद्विमुच्यते । अशासित्वा तु तं राजा स्तेनस्याप्नोति किल्बिषम्॥"

इत्यंतश्च । शाधि जहि लकुटं षष्टिकां असिखड्गं अग्निं वोभयतस्तीक्ष्णम् इति । पाठांतरं " अग्निः स्त्री काष्ठकुद्दालः शक्तिं वोभेति " पाठांतरं । तुर्यतात्पर्यार्थमाहैवमिति । उक्तप्रकारेणेत्यर्थः । अर्थांतरस्य खंडयिष्यमाणत्वादाह । **मरणादिति** । अस्य तात्पर्यार्थमाह । **जीवन्निति । ततः** तस्मात्ततः । तथापि । अत्र दृष्टांतमाह । **यथोक्तमिति** ।

अर्थांतरमाह । **नन्विति** । पुनः शंकते । भवत्विति । अत्र क्रमे हेतुमाह । स्नेहेति । **ज्यायसीति** । **माधवस्तु** एकस्य तस्य मरणे बहूनां पोष्याणां तदीयमित्रपुत्रकलत्रादीनामनाथतया मरणं संभाव्य यदि राजा दयया धनदंडादिपुरःसरं स्तेनं मुंचति तथाऽपि शुद्ध एवेत्याह । **प्रायश्चित्तीति** । "अकुर्वन् विहितं कर्म विहितं च समाचरन्प्रसज्जश्चेंद्रियार्थेष्विति । अस्यादिः । उपसंहरति **तादीति** । **अत** इत्यादिः । प्रागुक्तमत्रापि दृष्टांतमाह । **यथेति** । राज्ञ इति कर्तरि षष्ठी । नन्वेवं विप्रस्येहं नैवं स्यादत आह । **यदीति** । कथंचित् **गौतमानु**रोधान्मनुमाह । **वधेनेति** । प्राग्वत् । ब्राह्मणग्रहणमुपलक्षणमित्याह । **ब्राह्मणस्यापीति** । वधनिषेध इति । तथा च वधस्तदन्यपरः । वाऽन्याशयक इति भावः । **केवले** त्यनेन समुच्चये निरासः । **अपि**ना वधसमुच्चयः । इदमेव द्रढयति । **यदीति** । तत्रैवाविनिगमकत्वादिति भावः । अन्याशयमाह । **न च दंडेति** । नन्वत्रानिर्दिष्टत्वेऽपि दंडप्रकरणे तत्वमस्त्येवात आह । **किंचेति** । अर्थशब्दः फलपरः । **जैमिनीयमिदं** । **न च** न हि । चस्त्वर्थे । तस्माद्विकल्पानुरोधेन तस्य न वधनिषेधपरत्वमपि तु तत्परत्वमिति तस्य वैकल्पिकतत्सिद्धिरिति प्रागुक्तं सिद्धं । नन्वेवमपि नन्विकल्पो युक्तो **मानवः** सामान्ययोर्विशेषयोर्वा तत्संभवेऽपि सामान्यविशेषयोर्बाध्यबाधकभावस्यैव दृष्टत्वादित्याशयेनाह । **न चेति** । नापीतीत्यर्थः । हि यतः । **वेतीति** । अपि तु तेन तस्य बाध इति । तद्रहित एव प्रयोग इति भावः । उक्तरीत्या विकल्पोपपत्त्यर्थमुपसंहरति । **तस्मादिति** । ब्राह्मणग्रहस्योपलक्षणत्वादिति भावः । इदं च निषेधमभिप्रेत्योक्तं । वस्तुतस्तु एवं न तस्य दंडप्रकरणस्थत्वादित्याह । **यद्वेति** । **न जात्विति** । निषेधो नेत्यर्थः । अत एव

मि. पृ. २६५. प्रकृतप्रकरणस्थमाह । **मनुनेति** । **ब्राह्मणेति** । तदादीत्यर्थः । तस्य तत्वमाह । **न जात्विति** । अत्र च मूलादौ च जालेति मूलं व्याख्यातं प्राक् । अतः परिभाषासत्वात् संभवतीति **न्यायेनाह** । **नहीति** । ननु तत्वेऽप्यन्यार्थत्वमेवास्त्वित्यत आह । **नापीति** । **अतदिति** । तत्तात्पर्यकत्वाभावादित्यर्थः । एतेन व्यवहारः संगृहीतः । अत एव उभयार्थत्वाभावादेव वैयाकरणैरित्यर्थः । **जैमिनीय**संमतिमप्याह । **तथेति** । तद्वदित्यर्थः । **न चेति** । तत्प्रकरणात्पूर्वं पाठादिति भावः । तावदिति प्रकरणभेदादिति भावः ।

अभ्युपेत्याप्याह । **किंचेति** । अपिस्तत्समुच्चये । अत एवाह । **नातीवेति** । **शब्दैकेति** । ब्राह्मणसुवर्णापहरणमित्यादीत्यर्थः । **एकांततः** नियमेन । ततश्छब्दस्य साकांक्षत्वात् । उपसंहरति । **अत इति** । तत्रात्यंतानुपयोगादत्र वैपरीत्यादित्यर्थः । युक्तमित्यत्रान्वयः । युक्तांतरमप्याह । **किंचेति** । **बालो** गवादिलोम । तथाऽपन्हुते अस्याग्रेप्यनुषंगः । प्रमाणे सर्वत्र मात्रचप्रत्ययः । चस्त्वर्थे । न केवलं तावदेवेत्याह । **गायेति** । गायत्र्या अष्टाधिकसहस्रमयीत्यर्थः । **दिनं** । सूर्योदयात्तदस्तपर्यंतं दिनद्वयं । तथा स गायत्रीजपं दिनद्वयं । **यावकी यावका**हारी । अविरोधमाहेदं **चेति** । तच्छेषमेवाह । **बलादिति** । ऊर्ध्वमुक्तत्वेनाह । पौनरुक्त्यायाह । **सुवर्णेति** । विशेषमाहेदं **चेति** । **ब्रह्मेति** । ब्रह्मस्वत्वं प्राप्तस्य । **सुवर्णादेः** स्तेयकृते सति । **पुनः** पश्चादेकादशगुणं अपहृतं तेन तस्मै देयमित्यर्थः । तया तद्वत् तदिति अपहृतं दत्वेत्यर्थः । **उक्तमिति योगिनेति** भावः । तथा च हृतादेकादशगुणं द्रव्यस्वामिने दत्वैव तत्कार्यं । तथा च **लघुविष्णुः**

"स्तेये ब्रह्मस्वभूते तु सुवर्णहरणे कृते । पश्चात्तेन दातव्यं तस्मै ह्येकादशाधिकं ॥

"ऋणं संशुद्धिभावाय ततश्चांद्रायणत्रयं । संवत्सरेण कर्तव्यं निपुणा शुद्धिमिच्छता ॥" इति ।

एकादशगुणदानं सर्वस्तेयप्रायश्चित्तविशेषः । तस्य ऋणसंशुद्धिरूपत्वात् । चांद्रायणत्रयं यवमध्यपिपीलिकामध्ययतिचांद्रायणात्मकं संवत्सरेण कार्यं । चांद्रायणत्रयाभ्यामेन संवत्सरं यावत्प्रायश्चित्तं कार्यं । एतच्च संवत्सरयावकव्रतेन विकल्पते । एकादशगुणदानासमर्थं प्रति स एवाह

"अभावे कांचनस्य स्याद्व्रतमेतच्चतुर्गुणं । चरेद्यतात्मा निःसंगः पूर्णं वर्षचतुष्टयं ॥

"समाप्ते कांचनं गाश्च राजतं वाऽपि शक्तितः । देयमन्नं द्विजाग्रेभ्यः शुभं पापोपशांतये" ॥

इति । एतद्व्रतं चांद्रायणत्रयं वत्सरेण कार्यमित्येतन्मरणांतिकप्रायश्चित्तादर्वाचीनेषु स्तेयप्रायश्चित्तेषु एकादशगुणदानसमर्थस्य चातुर्गुण्याचरणमनेन **न्यायेन** प्राप्तं । तत्र जातिशक्त्याद्यपेक्षया द्वैगुण्यादि कल्प्यं । **हंतुमिति** मुशलादिना । अप्यर्थमेवाह । **द्वितीयमिति** । **तेन वसिष्ठेन** । मि. पृ. २६५. **द्रव्येति** सुवर्णेत्यर्थः । अविनिगमकत्वादाह । **क्षत्रीति** । क्षत्रादिभिर्ब्राह्मणसुवर्णापहारविषयमपीत्यर्थः । वा चार्थे । **तत्र वासिष्ठे** । मरणांते ते । अत्र पक्षांतरमाह । **तथेति** ब्रह्महत्यावदित्यर्थः । **आदिना** विप्रः । आद्यस्य नियतत्वेऽपि गोसवस्य साधारणत्वात् ॥ २२७ ॥

याज्ञवल्कीये २५८ श्लोकः ।

नृपे इति सप्तमी । तस्य तत्त्वविवक्षया । **वार्षिकं** संपूर्णं । आत्मतुल्यसुवर्णदानादिगुरुतरप्रायश्चित्तसमपाठात् । **एतच्चेति** । एतेन रजतादिबुध्या कामतोपहारे इदं । अकामतस्तद्बुध्यापहारे तु षड्वार्षिकमिति **शूलोक्त**मपास्तं वक्ष्यमाणदोषात् । बुद्ध्या वा अपहरति । **पुनः** पश्चात् । **न च** नापि । **मात्र**पदेन जातेरिव तत्कार्यकरणसमर्थत्वस्यापि निरासः । तेन न बर्बुरादौ दोषः । **नेदमिति** अपहारकृतदोषे न तज्ज्ञानं हेतुः किंतु तत्सत्तेतिभावः । इदमेव द्रढयति । **न चेति** । अनभिज्ञस्य शंकेयं । **यच्चेदमिति** । यदपि प्रायश्चित्तमित्यर्थः । **सम्यगर्थेति** स्वरूपसन्नित्यर्थः । उपसंहरति । **अत इति** ।

उत्तरार्धं व्याचष्टे । **अस्मिन्नेवेति** । अत्यंतधनिकश्रोत्रियविषयमिदं । तीर्थयात्रासहितं षड्वार्षिकं निर्धनश्रोत्रियविषयमिति **माधवः** । प्रागुक्तद्वादशवार्षिकनिरासायाह । **तप इति** । विशेष-

माह । **यदा त्वित्यादिना** । द्रव्यं सुवर्णं । ईदृशं निर्गुणास्वामिकं । **अत्रिमेवाह** । **षडब्दमिति** । **प्रत्यर्पयाति** स्वामिने । **त्यजति** मार्गादौ । इदमुभयमपि प्रागुक्तं । **नन्विति** । एवं चोभयतः मि. पृ. २६६. स्पाशा रज्जुरिति भावः । **चस्त्वर्थे** । **पुष्कलेति** तल्लक्ष्यस्येत्यर्थः । एवं तत्र तस्याल्पत्वे सति । **तस्य** चोरस्य । अत्रैव विशेषमाह । **यस्त्विति** । इदं त्रार्षिकादि ।

अत्र संसृष्टत्वमवयवत एव अन्यथा शंकाया एवासंभवात्तद्दाथेति । प्रागुक्तैवाक्यतया आह । **तत्सुवर्णेति** । **प्रत्यहमिति** पूर्वान्वयि । प्राग्वदाह । **तदिति** । एवमन्यान्यपि व्यवस्थाप्यानि । तथा च **भविष्यत्पुराणे**

"माहापातकनिर्देशे तृतीयं स्तेयमुच्यते । न चाप्यबुद्धिपूर्वं तु क्रियते केनचित्क्वचित् ॥
"महत्यपकृते पुत्र तथा चान्यकृते गुह । जात्येकत्वं वा विशिष्टमुशंति ऋषयो गृह ॥
"हेतुर्विशेषो देवेश ह्रियमाणविशेषतः । अर्थस्याप्रमाणाय विशेषो निष्कृतेर्भवेत् ॥
"ब्राह्मणद्रव्यविशेषात्प्रयोजनविशेषतः । अनुबंधविशेषाच्च प्रायश्चित्तं विधीयते ॥
"हृत्वा तु कांचनं विप्रो गुणिनो ब्राह्मणस्य तु । स्वयं च निर्गुणो वा स्याच्चरेद्ब्रह्महणो व्रतम् ॥
"यदा च निर्गुणः स्वामी क्षत्रियो वैश्य एव वा । हर्ता च ब्राह्मणो वा स्यात्तदापस्तंबभाषितं ॥
"क्षत्रियस्य सुरश्रेष्ठ गुणैर्हीनस्य कृत्स्नशः । हृत्वा कांचनं विप्रः प्रायश्चितमिदं चरेत् ॥
"चतुर्थकाले भुंजानास्त्रिकालं स्नानमाचरेत् । स्थानासनाभ्यां विहरंस्त्रिभिर्वर्षैर्विमुच्यते ॥
"क्षत्रादीनां गुणवतामल्पेऽह्यपहृते गुह । अल्पानुबंधे च तथा एतदेव भवेद्विभो ॥
"श्रेष्ठविप्रसुवर्णं तु प्रभूतमपहृत्य च । स विशिष्टानुबधं च ब्राह्मणो द्यूतवल्लभः ॥
"प्रायश्चित्तमिदं कुर्याद्वदतो मे निबोधय । लोभहीनो घृताक्तश्च आत्मानं पावके क्षिपेत् ॥
"हृत्वा तु कांचनं वीर क्षत्रियो ब्राह्मणस्य तु । सानुबंधो ह्यनाढ्यस्य दुरोदरपरो गुह ॥
"आत्मानं स हनेद्वीर शस्त्रेणौदुंबरेण तु । ततः शुद्धिमवाप्नोति दिष्टांते प्राणवर्जितः ॥"

दिष्टांते आयुर्दैवभाग्यविच्छेदे ।

"हृत्वा तु कांचने वैश्यो गुणिनो ब्राह्मणस्य तु । व्यसनी गुणहीनश्च सानुबंधः सुराधिप ॥
"कृत्वा पाशं केशदाम्ना तदात्मानं सुराधिप । तद्वच्च त्यजाति प्राणांस्ततः शुद्धिमवाप्नुयात् ॥
"चरेत्सांतपनं कृच्छ्रं तन्निर्यात्यात्मशुद्धये । गृहीतं स्वामिने दत्वा"

आत्मशुद्धये मरणांतिकप्रायश्चित्तकरणयोग्यतायै अमुमेवार्थमाह

"तन्निर्यात्येति तु वाक्यं प्रवहंति मनीषिणः । तत्पूर्वं चैव योग्यस्य सूचकं नात्र संशयः।"

तन्निर्यात्येति तु वाक्यमिति चरेत्सांतपनमिति पूर्ववाक्यं । तत्पूर्वं मरणांतिकप्रायश्चित्तात्पूर्वं योग्यस्येति भावपरं योग्यत्वसूचकं । अपहृतद्रव्यं दत्वा सांतपनाचरणांतिकप्रायश्चित्तं कुर्यादित्यर्थः ।

"क्षत्रियस्य तु बालस्य ब्राह्मणो हरते यदि । पंचनिष्कप्रमाणं तु सुवर्णं कैतवं प्रति ।
"कृष्णाजिनी जटी दंडी मिताशी विजने वने । जपमानोर्कसूक्तं च चरेद्ब्रह्महणो व्रतं ॥
"क्षत्रियस्य गुणाढ्यस्य हत्वा विप्रस्तु निर्गुणः । चतुर्थकाले भुंजानास्त्रिभिर्वर्षैर्विशुध्यति ॥
"क्षत्राद्योऽपि गुणिनोऽल्पमूल्यानुबंधि वै । कृत्वा चौर्यमनेनैव शुद्धेयुर्नात्र संशयः ॥
"विप्रस्य गुणवान् विप्रो निर्गुणस्यापहृत्य तु । चतुर्थकाले भुंजानस्त्रिभिर्वर्षैर्व्यपोहति ॥

"ब्राह्मणस्य गुणाढ्यस्य हत्वा विप्रस्य निर्गुणः । प्रभूतं सानुबंधं च स शुध्येत्तु कटाग्निना ॥
"गुणवान्ब्राह्मणो हत्वा क्षत्रियस्यागुणस्य च । चरेत्सांतपनं कृच्छ्रं तन्नियोत्य आत्मशुद्धये ॥
"एवमन्यान्यपि विभो प्रायश्चित्तानि भागशः । सुवर्णस्तेयविषये स्थापनीयानि पंडितैरिति ॥"

अत्रापि । स्तेयविषयेऽपि । **यानि च** यान्यपि । **रूप्यं** कर्षमितं । **गद्याणेति** । किंचिदधिकशास्त्रीयमाषत्रयेत्यर्थः । टंकपरिमितेत्यर्थ इति केचित् । तत्वं तु **मत्कृतमूलाध्यायविवृत्तौ** द्रष्टव्यं शतादिकमपि गद्याणस्यैव । **समेति** । तदर्धेत्यर्थः । **तदिति** उपपानकत्वनिवृत्त्यर्थमित्यर्थः । हेमविधिरित्यनेन साम्यातिदेशो न स्वरूपातिदेश इति भावः । **हीनेति** क्षत्रियादिरत्नापहारविषयं च उत्तमरत्नापहारस्य सुवर्णस्तेयसमत्वादित्यपि बोध्यम् । गद्याणसहस्राधिकमूल्यविप्रस्वामिकवस्तुमात्रहरणमेतत्तुल्यमित्यपरे । युगपदनेकस्वर्णापहरणेऽप्येकमेव प्रायश्चित्तं हरणक्रियाया एकत्वादिति दिक् ॥ २५८ ॥

इति सुवर्णस्तेयप्रायश्चित्तप्रकरणम् ।

याज्ञवल्कीये २५९ श्लोकः ।

उद्देशेति । नाम्ना वस्तुसंकीर्तनमुद्देशः । कर्त्राकांक्षायामाह । **समा वेति** । विशेषमाह । **कार्ष्णेति** योषितेत्यस्यार्थः । स्त्रीप्रतीति प्रत्यासत्तेः स्मृत्यंतराच्चाह । **तदात्मयेति** । नैतावदेव किं तु वक्ष्यमाणास्यात्रापि संबंध इत्याहै**वमिति** । अथ विशेषानाह । **शयनं चेत्यादिना** । **मानवे** गुरुतल्पेऽर्श आद्यच् । गुरुतल्पीति पाठांतरं "तप्ते स्वप्यादयोमये" इति तच्छेषः । **तथेति** । न तु कंठे स्वापमात्रमिति भावः । अनेन मृन्मय्यपि पाक्षिकी तत्प्रतिकृतिरुक्ता । **ताम्रीमिति** ताम्रवर्णामित्यर्थः । अग्निवर्णामिति यावत् । **मूर्तिं** सूर्मामिति पाठांतरं । सूर्मी "स्थूणाऽयः प्रतिमा" इत्यमरः (२।२१।७८१) । एवमग्रे **मानवे**ऽपि ।

मि. पृ. २६७.

मानवेऽविकल्पस्य स्पष्टत्वादाह । **न चेति** । **द्वयमिति** । **प्रकृते योगीश्वरीये** इति भावः । अत एवाहा**यस्येति** । यत इत्यादिः । **मानव**विकल्पविषयस्तु अनुपदमेव स्फुटीभविष्यति ।

अथोत्तरार्द्धं व्याचष्टेऽथ **वेति** । **मन्वाद्यनुरोधेन** व्याचष्टे । **सलिंगावित्यादि** । **शिश्नेति** । शिश्नसहितवृषणावित्यर्थः । **आतिष्ठेत्** गच्छेत् । **आनिपातात्** आदेहपातात् । विशेषानाह । **गमनं** चेत्यादिना । **दक्षिणेति** तत्संबद्धनैर्ऋतीत्यर्थः । अत्र द्वितीये **अयमेव** तदुत्कर्तनादिरूपप्रायश्चित्तरूपप्रायश्चित्तरूप एव । **आसां** पूर्वोक्तानां तदुक्तं **तेनैव** (१२।७३-७४)

"माता मातृष्वसा श्वश्रूर्मातुलानी पितृष्वसा । पितृव्यसखिशिष्यस्त्री भगिनी तत्सखी स्नुषा ॥
"दुहिताऽचार्यभार्या च सगोत्रा शरणागता । राज्ञी प्रव्राजिता धात्री साध्वी वर्णोत्तमा तु या॥"

इति शिश्नस्य सवृषणस्य । उक्तवैपरीत्येन ।

विनिगमकत्वादाहै**वमिति** । उक्तवदित्यर्थः । राजकृतमिति भावः । तत्र मानमाहे**दमेवेति** । **धृतेति** धारितेत्यर्थः । अंतर्भावितणयर्थत्वात् । कृतेति पाठेऽप्येवं । **निर्मलाः** संत इत्यन्वयः । तत्रान्यतरार्थं कृतेनान्यस्यापि सिद्धिसत्वेऽप्यन्यत्र वैलक्षणमाह । **धनेति** । तस्मिन्नुक्तवृते

सतीत्यर्थः । **तेनैव नारदेनैव** । उपसंहरति । **अनयोरिति** । मूलोक्तयोरित्यर्थः । **अत्र न सर्वत्र** । **मुख्यया** शक्त्या **संभावयति** । पालयति । **विप्रो** विप्रादिः । णचणापिक्रियाशब्द- स्तत्पर उपस्थितत्वादित्याह । **निषेकादीति** ।

अन्यत्रापि पितृभिन्नेऽपि । तदेव शिष्यसमूलमाहो**पेति** । **स्वल्पमि**त्यादि क्रियाविशेषणं । यस्य श्रुतस्य गृहीतवेदस्य यस्य यत्संबंधि वेदस्य वा । इह शास्त्रे । **अपिना**ऽन्यसमुच्चयः । **इति** अनेन । एवमग्रेऽपि । **अन्यत्र** अन्यत्रापि प्रयोगो दर्शित इति पाठः । अत्र विशेषो दर्शित इति पाठेऽत्र गुरुविषये प्रवृत्तिनिमित्तभेदादाह । **न चानेकेति** । **भूतायाः** तत्वं प्राप्तायाः । तत्र मानमप्याह । **दर्शितं चेति** । तथोपक्रमोपसंहाराभ्यां तथा लाभ इति भावः । नेदं प्रवृत्ति- निमित्तं किंतु वाचनिकं प्रबलमितोऽन्यदेवेत्याह । **न चोपेति** । **वचनात्** प्रतिपादनात्स एव मि. पृ. २६८ पितैव । अस्यातिप्रसक्तं तुल्यमाहा**चार्येऽपीति** । तदेवा**होत्पेति** । एवं विशेषे उक्ते सामान्योक्तिमप्याह । **गौतेति** । नन्वेवं वचनद्वयप्रामाण्यादुभयत्रैव मुख्यत्वमस्तु । अत आह । **किंचेति** । मात्रपदेन पूजार्हत्वव्यवच्छेदः । **वचनात्** । 'उपाध्यायदर्शे'त्यग्रिमात् । तथा च तल्पशब्दानर्थक्य स्पष्टमेव । कर्मधारयसंभवेऽप्यातिप्रसंगानिवारकत्वात्**संवर्तादि**वचन- विरोधाच्च तदभिप्रेत्योपसंहरति पूर्वपक्षी । **तस्मादिति** । उक्तरीत्येति भावः । सावकाशानिरव- काशयोर्निरवकाशं प्रबलमिति **न्यायेनाह** । **निषेकादीति** । **विधीति** । एते मान्या इति **मौले**त्यर्थः । उक्तं पोषयति । **अत एवेत्यादिना** । **तथा** तद्वदातिदेशिकं । **भार्यासु** गमने इति शेषः । उभयमुपपादयति । **आचार्यादेरिति** । सर्वसाधारणं परिष्कृतं दोषमाह । **किंचेति** । **वर्जमिति** णमुलंतं । "भगिनीं मातुराप्तां वा तप्तकृच्छ्रं समाचरेत्" इति तच्छेषः । उपसंहरति । **अत इति** । अपिरुक्तदोषसमुच्चये । **एवेना**न्यप्रागुक्तव्यवच्छेदः । गौणं तत्वं तु तत्रापीष्टमेवेत्याह । **मुख्य इति** । अत एवाह । **तच्चेति** । **इति** इत्यत्र । तदादेरिति भावः । उपसंहरति । **अत इति** । तस्याविशेषादित्यर्थः । पितृपत्नीतत्वावछिन्नानमतिव**संवर्ता**दितस्तथैव लाभात् । **एवेना**चार्यादि- पत्नीगमनव्यवच्छेदः ।

तत्र विशेषमाह । **गमनं चेति** । संपूर्णगमनत्वस्य तत्रैव सत्वादिति भावः । **तत्र च** चरम- धातुविसर्गपर्यंतगमने च । **तच्च** उभयं च । **वासिष्ठमिति** । अधिकदुःखोत्पादकत्वादिति भावः । एतदेव विशेषस्यानुक्तेः **संवर्ता**द्युक्तविषये शंकते । **ननु चेति** । न्यूनत्वादाह । **हीनेति** । अत एव तत्र सवर्णामित्युत्तमवर्णाया अप्युपलक्षणमित्युत्तमवर्णायां चेति प्रागुक्तं । **इदं च** मरणांतिका- दिकं च । **मुख्यस्यैव** औरसस्यैव । यत इति शेषः । एवं च सापत्नमातृगमने च यत्प्रायश्चित्तं तत्क्षेत्रजादीनां नेति भावः । अथ व्यवस्थामाह । **तत्रेति** । मौल्योर्मध्ये इत्यर्थः । **अनुबंधेति** साधनेत्यर्थः । अधिकदुःखोत्पादकत्वादिति भावः ।

विरोधं परिहरति । **यत्त्वित्यादि** । **गते** समाप्ते । शुध्यतीति शेषः । इदं साधारणमित्याह । **रुक्मेति** । अत्रैव विषये ततोऽर्वाग्निवृत्तावबाहकमिति ॥ २५९ ॥

याज्ञवल्कीये २६० श्लोकः

प्रायश्चित्तांतरमिति । हीनवर्णविषये एवेति भावः । अत **एवाहैतच्चेति** । **वेदेति** पदक्रम- मि. पृ. २६९ रहितसंहितामात्रेत्यर्थः । **तत्रैव उक्ता** व्यवहितविषयद्वये एव यथाक्रममिति

भावः । **क्षत्रियेति** । ब्राह्मणीपुत्रस्येत्यस्यानुषंगः । उक्तं दृढयति । **इदं चेति** । **तत्रैव** व्यवहितविषये एव । **पुनः** वारंवारं । **कश्यपेति** । **कण्वेति** पाठांतरं । **अत्रैव विषये** शंखायुक्तद्वादशवार्षिकादिसर्वविषये । तस्यैवाह । **वैश्यायां त्विति** । प्रकरणाद्ब्रह्मशब्दो ब्राह्मणीपर इत्याह । **ब्राह्मणीति** । एवमन्येत्यस्यार्थमाह । **तस्यैवेति** । ब्राह्मणीपुत्रस्यैवेत्यर्थः । **तथाभूतायां** मातुः सपत्न्यां । **पादशब्दो** द्वादशाब्दपादपर एवेति भावः । प्रागुक्तक्षत्रियादीत्यादिसंग्राह्यमाहैवमिति । **एवमेव** नववार्षिकमेव । **ततः** मरणात् । ब्राह्मणीपुत्रस्येदं । तस्यैवाह । **शूद्रायां त्विति** । **पुनः** वारंवारं । तस्यैवाह । **क्षत्रियायां त्विति** । अत्रैव तस्य क्षत्रियायां । तथैव तस्यैवाह । **वैश्यायां त्विति** । हीनत्वादकामाच्चाहैतदेवेति । **तत्रैव** तस्य तथा वैश्यायामेव । **मरेति** आयुःसमाप्तिपर्यंतमित्यर्थः । **गुरोरिति** । गुरोर्भार्यायां वैश्यायां गमनमभ्यस्येर्थः । **षडंगवाक्**पाण्युपस्थचक्षुःश्रोत्रमनोरूपषडंगं विशिष्टं तस्यैवाह । **गुर्विति** । **हार इति** स्वकर्माचक्षाण

मि. पृ. २७०. इत्यपि बोध्यं । अश्वमेधावभृथस्नाने वेति तच्छेषः । **अत्रैव** तस्यैव । तथा शूद्रायांतेंद्रिय इति "हविष्येण यवागवा वा गुरुतल्पापनुत्तये" इति तच्छेषः । तस्यैवाह । **क्षत्रियायामिति** । **गुरोरिति** दांपत्यरूपसंबंधः षष्ठ्यर्थः । एवमग्रेऽपि । पुनस्त्वर्थे । तत्रैव तस्यैव । तस्यैव क्षत्रियायां पूर्वनिवृत्ताविति शेषः । तस्यां प्रवृतस्य । एवमग्रेऽपि । सर्वत्र अत्रैव तस्य तथा निवृत्तौ वैश्यायामेव । **सप्ताष्टाविति** दिनानीति शेषः । तस्यैवाह । **शूद्रायां त्विति** । **तत्रैव** शूद्रायामेव । तस्य तथा निवृत्तौ । **वासकमित्यत्र** चार्थे **कः** । नीपेति । ब्राह्मणीपुत्रस्य क्षत्रियागमने वैश्यागमने च यत्प्रायश्चित्तं तदेव क्षत्रियापुत्रस्य वैश्यागमने शूद्रागमने च । **अनंतरितत्वादेकांतरितत्वाच्च** । ब्राह्मणीपुत्रस्य क्षत्रियागमने यत्प्रायश्चित्तं तदेव वैश्यापुत्रस्य शूद्रागमने इति द्रष्टव्यं । यत्र शृंगग्राहिकया विशेषोऽभिहितस्तत्र स एव ग्राह्यः । **अत** एवंविधपापेषु प्रवृत्तानां । **अत एव** अविशिष्टत्वादेव । **कार्यं** कारयितव्यं । कर्तुस्तत्वेन विवक्षया सप्तमी वा । एतदेवेत्यस्यार्थमाह । **द्वादशेति** । स्त्रीणामर्धस्य विहितत्वादाहार्द्धेति । अयं तु विशेषः । अरण्यादिस्थितिर्नास्ति । किं तु गृहे एव वास इति । तथा **च योगियाज्ञवल्क्यः** (प्रां. २९७)

"पतितानामेष एव विधिः स्त्रीणां प्रकीर्तितः । वासो गृहांतिके देय अन्नं वासः सरक्षणम्" इति । रक्षणार्थमनुवाससः समीपे एव वासः कर्तव्यमित्यर्थः । एवमनुलोमगमने निष्कृतिरुक्ता स्त्रीणां प्रतिलोमगमने तु विशेषो व्यक्तीभाविष्यति पारदार्यप्रकरणे । **इति** इत्यादिना । एवमग्रेऽपि । एकरात्राभ्यासे विशेषस्य वक्ष्यमाणत्वादाहैकेति । **अभ्यस्तेषु** अत्यंताभ्यस्तेषु । अत्र न तु सर्वत्र । तथा

मि. पृ. २७१ **बृहद्यमवत्** अस्पष्टत्वादाह **तथा हीति** । एकरात्राभ्यासे विशेषं वक्तुमुक्तमुपसंहरति । **एतच्चेति** । मरणांतिकं चेत्यर्थः । सेवनादिति पाठः । **सेवनं** संभोगस्ततः । **यत्करोति** यत्पापं जनयति तत्पापं च **जपन्** गायत्रींऋक्संहितां वा **व्यपोहति** विनाशयति । **अत्र मानवे** । यत इति महत्वादस्येति भावः । अत्र मानवे । दर्शनमत्यंतसंयोगे हेतुः । **च** सहार्थे । प्रसंगाच्चंडाल्यादिगमने विशेषं भगिन्यादौ तथा वक्तुमाह । यदा पुनरिति ।

स्वयोनिशब्देन भगिनीत्याह । **स्वयोनिष्विति** । एकवाक्ये सहपाठादित्यर्थः । भृगुपतनादिनिरासायाह **मरणांतिकमिति** । अत्र गुरुभार्यागमनविषये । **कात्येति** । **हारीतोऽपि** । मातृदुहितृस्नुषागमनमित्यतिपातकान ।

"अतिपातकिनस्त्वेते प्रविशेयुर्हुताशनं। नह्यन्या निष्कृतिस्तेषां विधत्ते हि कथंचन॥" इति । विरोधं परिहरति । **जनन्यामिति** । तत्रातिपातकशब्दस्तु **साधारणेति** । वेश्यास्वित्यर्थः । **जात्युक्तं** तत्तज्जातिप्रयुक्तं उपसंहरति । **एवमिति** । **प्रतिपत्तिः** प्रतिपादनं ॥ २६० ॥

इति गुरुतल्पप्रकरणं ।

याज्ञवल्कीये २६१ श्लोकः ।

तद्वदस्योद्देशाभावात्तत्संगत्यभावादा**हैवमिति** । बंधकशिष्यजिज्ञासानिवृत्तौ सत्या-मि. पृ. २७२. मवश्यवक्तव्यत्वमवसरः । एकत्वविवक्षया आ**हैकमिति** । वै इत्यस्यार्थो-**ऽत्यंतमिति** । तिङर्थाविवक्षयाह **संवेति** । उभयतात्पर्यार्थमाह । **सहाचेति** । एषां प्रत्येकं सहाचरणं विवक्षितं । तत्सम इत्युक्तेरित्याह **योनेति** । **तस्य** पातकित्वस्य ।

नन्वेवं न्यूनप्रायश्चित्तापत्तिरत आहा**त्र चेति** । संसर्गविषये इत्यर्थः । **साक्षादिति** । उपदेशत इति भावः । **अपीति** हेतौ पंचमी । दर्शयतीत्यत्रान्वयः ।**पातकी** अनुपातकी । **आदिना** जातिभ्रंशकरादिसंग्रहः । एकत्रैव वैकल्पिकानेकसंग्रहायाह **जातमिति** । अनेन पौनरुक्त्यं परिहृतं । **एषां** पूर्वोक्तानां चतुर्णां मध्ये **मनुनापि** सर्वांते इदमुक्तं तथाऽपि

"एवं पापकृतामुक्ता चतुर्णामपि निष्कृतिः। पतितैः संप्रयुक्तानामिमाः शृणुत निष्कृतीः ॥

"संवत्सरेण पतति पतितेन सहाचरन्। याजनाध्यापनाद्यौनान्न तु यानासनाशनादिति ॥"

अव्यवहितप्रागुक्ते पातकिसंसर्गविषयमेवेदमत एव पतितेनेत्यत्राप्युक्तमत आह **विष्णुनाऽपीति** । सामान्येनेत्यस्य दर्शितमित्यत्रान्वयः । **मात्रं** कार्त्स्न्ये । एवं वा पौनरुक्त्यं । एवमग्रेऽपि । मन्वंतरमाह । **तथेति**। तद्वदित्यर्थः।अकृते इति छेदः। **पाप्यत्र** कर्त्री। अविरोधाय व्यवस्थामाह। तच्चेति। उक्तवनांति दिष्टं चेत्यर्थः । उषितेनेत्यस्य मिश्रित इत्यत्रान्वयः । य इति शेषः । संवत्सरं अभिव्याप्य । **चाप्यर्थे** । अत एवाविरोधमाहा**ज्ञानत इति** । संवत्सरामित्यर्थः । पुनस्त्वर्थे । तृतीयांतयोः पूर्वान्वयः । ब्राह्मण-याजनाध्यापनरूपेण यौनेन विवाहरूपेण मात्रा उपलब्धाः संसर्गजफलधनं प्राप्तं अनशनं याव-त्संहितापरायणं । विशेषमाह । **तथोति** । मूलमेवाह । **ब्रह्महेति** । इति इत्यनेन वचनात्प्रतिपादनात् ।

एवं सिद्धांते शंकते । **नन्विति** । **तस्येति** । विशेषसंसर्गस्य प्रत्येकं हेतुत्वे व्यभिचारा-दित्यर्थः । तैरित्यंतेन महापातकिपरामर्श एव न विशेषपरामर्श इत्याहा**त इति** । युक्त्यंतर-माह । **न चेति** । नापीत्यर्थः । उक्तमूलेन तेषां चतुर्णां तत्साक्षात्संसर्गेण च वाक्यभेदेन महा-पातकित्वमुच्यते । न तु तत्संसर्गिणोऽपि बोधकाभावात् । नापि स्मृत्यंतरेण तदभावान्नापि प्रत्यक्षादिना असंभवादेवं च तैरित्यनेन महापातकिसंज्ञकचतुष्टयपूर्ववाक्योक्तपरामर्शः । समुदित-संसर्गस्तु न हेतुस्तत्संज्ञायाः प्रत्येकमेव करणात् यो येनेत्यनेन प्रायश्चित्तस्य प्रत्येकसंसर्गे एवं विधानाच्च व्यभिचारोऽपि न द्वितीयवाक्यत्वात्प्राक् तत्वस्यान्यत्राभावाच्चतुष्टयमात्रवृत्तित्वस्य तस्य पूर्ववाक्यतो लाभात्तद्रूपकधर्मावच्छिन्नचतुष्टयसंसर्गस्य प्रत्येके हेतुत्वात् इत्याशयेन समाधत्ते । **स्यादेवमित्यादि**शब्दैकेति प्रकृतेत्यादि**नैवमिति** । एवं नेत्यर्थः । युक्त्यंतरं खंडयति । **एवं च सतीति** । शब्दतस्तदलाभे सतीत्यर्थः । नन्वेवं तस्याद्दुष्टत्वापत्तिरत **आहात इति** । ततो

हानिः पातित्यं तथोक्तत्वात् । अत एवाह । **पातित्याभावे इति** । **मानव**माहै**नस्वभिरिति** । उपसंहरति । **पातित्याभावेऽपीति** । तस्मादित्यादिः । मूलाद्यनुक्तत्वात्तत्प्रमाणं तत्स्वरूपमाह । न **तच्चेत्यादि** । तत्समतां न तु तत्वं अतो न पूर्वविरोधः । अत एवाह । **पादहीनमिति** । मि. पृ. २७३ तत्र तु देवव्रतमित्यग्रेऽनुपदमेव स्फुटं । अनेनैव न्यायेनाग्रेऽप्याह । **एवमिति** । तत्संसर्गिसंसर्गिवदुक्तरीत्यां प्रकारकल्पनेनेत्यर्थः । चतुर्थत्वादिब्रह्महाद्यपेक्षं षष्ठादौ तु नैवेति तात्पर्यं । प्रकृतमुपसंहरति । **अत इति** । **प्रायश्चित्तेति** प्रकृतेत्यादिः । अत्रापि स्पष्टार्थं प्रागुक्तमेव । विशेषांतरमाह । **अत्र चेति** । मूलस्मृतौ चेत्यर्थः । **मानवा**द्याह । **स तस्यैवेति** । **मरणस्येति** लौकिकतांत्रिकप्रसिध्यभावात् । अत्र तत्संसर्गिणि प्रागुक्तरीत्यां आह । **अकामत इति** । तत्र संवासः सहाचरणं । तच्च आचरणभेदभिन्नसंसर्गमात्रोपलक्षणमिति ध्वनयन् विशेषमाह । **संसर्गश्चेति** । निबन्धनकारणं न वधेत्यप्युपलक्षणमिति सूचयन्नाह । **अनेकधेति** । अत एवाह । **देवलोऽपीति** । लघुगुरुक्रमेण संलापादिक्रमः **सहयानासनाशना**दित्यादिसमाहारद्वंद्वात् पंचमीक्रमेण वाक्यद्वयार्थमाह । **समुदिते** तदन्वय इत्याहै**कासनापेति** । अन्यत्राप्येकत्वं बोध्यमित्याहै**कपंक्तीत्यादिः** । एकभांडेत्यस्यार्थोऽधमेति । यथाश्रुतासंगतेरिदमग्रिमं च व्याख्यानं बोध्यं । निगमनाविरहादाह । **स्वस्य चेति** । **तस्मा इति** । एतेन "योनिः प्रजननंत युक्तेन पतितेन पतितेन पतितया वा मैथुनयोग" इति **मदनशूलपाण्या**द्युक्तमपास्तं । एकपंक्तिभोजनस्योक्तत्वादाहै**कत्रामत्रे इति** । **देवलार्थमाह** । **संलाप इति** । **सह** स्व(य)मग्रेऽप्युभयत्र बोध्यं । तैश्चोक्तमिति पुनर्नोक्तं ।

अविरोधायाहात्रेति । **बृहद्विष्णुवाक्ये** इत्यर्थः । अविरोधाय तदर्थमेवाह । **स्रौवेत्यादि** स्रुवसाधनककर्मकृतत्वादिति भावः । अविरोधाय मूलतात्पर्यं वक्तुं स्मृत्यंतरोक्तानां संसर्गभेदकानां व्यवस्थामाह । स्रौवेत्यादिना । यद्यपि **उक्तदेवलादेव** तथा लभ्यते तथापि गामश्वमिति तं विनापि समुच्चयस्य तत्र प्रतीतिसंभवात्तत्र साधकमित्याशयेनाह । **यः पतितैरिति** । **एतदेव** द्वादशवार्षिकमेव । द्वंद्वनिर्देशतौल्येऽपि तद्वदत्र वचनाभावादाहै**केति** । अल्पत्वादाह । **प्रत्येकेति** । **देवलोक**संलापादौ विशेषमाह । **संलापेति** । येनेत्यस्य समुच्चितानामेवेत्यत्रान्वयः । तेषां पार्थक्येनासंभवात्र तत्समकक्षत्वमित्याहा**नुषंगिकतयेति** । गौणतवत्यर्थः । सर्वतात्पर्यमा**हात इति** । तेषां पार्थक्येनातत्वादित्यर्थः । स्वल्पत्वादेवाह । **पंचमेति** । प्राधान्यादाह । **सहपानादीति** । एवेन पार्थक्येन संलापादित्रयव्यावृत्तिः । एवमग्रेऽपि । इदं दृढयति । **यत इति** । ननु **मानवे**. त्रयाणामुक्तेः कथं चतुष्टयस्येत्यत आ**हात्रेति** । तस्यापीत्यर्थः । वचनांतरात् अविरोधायाहात्र **चेति** । **तथा** तद्वत् । असमानविभक्तित्वाद्भेदेन तृतीयाया अभावात् । भेदेन च तदसंभव इत्याह । **न चेति** । तदभावेऽपि हेतुपंचम्या समाधत्ते । **यानेति** । **इति** एवं । व्यव-

मि. पृ. २७४. हितान्वये दृष्टांतमाह । **यथेति** । मत्यंतरसंभवं क्लिष्टं हेतुपंचमी युक्ताऽत आह । **यद्वेति** । लक्षणहेत्वोरित्यनेन तृतीयपादार्थमाह । **याजनेति** । त्वर्थमाह । **किंत्विति** । उपसंहराति । **अत इति** । येन प्रत्येकं येन तु समुच्चितेन कार्येति तेन नैरंतर्ये सत्येवेदमिति **प्राच्योक्तमपास्तं** । वत्सरोन्नसाव इत्याह । **यथेति** । षष्ट्यधिकं दिवसायां यत् इति त्रयतद्यापित्वमित्यर्थः । द्विषु विषये उक्तक्रमेण प्रायश्चित्तान्याह । **त्रिरात्रमित्यादि** । **चांद्रेति** । कृच्छ्रपूर्वक-

चांद्रायणमित्यर्थः । अधिसंज्ञायाहात्र चेति । विशेषं परिहरति । यस्त्विति । पातित्यवचनं तत्प्रतिपादकं क्रमेणाह । पंचेत्यादिप्रीयेतत्सदृशे । न्यूनतां परिहरति । एतदिति । दिक् रीतिः । अत्रोभयत्रान्वयः । प्रागवदाह । पुरुषवदिति । तात्पर्यमाहात इति । तथैवाहैवमिति । उक्तरीत्येत्यर्थः । माधवस्तु संसर्गदोषः कलौ पातित्यापादको न तत्त्यागस्य कलिवर्ज्येषु गणनात् । तथा हि स्तेयान्याधिकपापशुद्धिरघसंकोचो गुणापेक्षयेति दीपिका । तथा चोक्तम्

"व्रतस्वाध्यायसापेक्षमघसंकोचनं तथा । प्रायश्चित्तविधानं च विप्राणां मरणांतिकं ॥
"संसर्गदोषस्तेयान्यमहापातकनिष्कृतिरिति" । किंतु पापमात्रापादकः । तथा च पाराशरः
आसनाच्छदनाद्यानात्संभाषात्सहभोजनात् । संक्रामंतीह पापानि तैलबिंदुरिवांभसीति ॥"

तस्मात् कलौ चत्वारि महापापानि । तत्संसर्गस्तु युगांतरे महापातकम् । कलौ तु प्रकीर्णकेषु द्रष्टव्यमित्याह । वस्तुतो

"न्यसेद्देशं कृतयुगे त्रेतायां ग्राममुत्सृजेत् । द्वापरे कुलमेकं तु कर्तारं तु कलौ युगे ॥"

इति पराशरस्मरणात् । कृतयुगादौ दोषजनकत्वेनोक्तस्य देशादिसंसर्गस्यैव कलिवर्ज्येषु गणनम् । अयं चापरो विशेषः । यत्कृते संभाषमाभात्रादेव पातित्यं त्रेतायां स्पर्शमात्रात् द्वापरे तस्त्वामिकान्नप्रतिग्रहात्कलौ कृत्स्नेन समुदितेनैव कर्मणेति दिक् । तदाह दिगिति ।

(उत्तरार्धः ।)

कश्चित्कन्याग्रहणांशे अन्यत्रस्यैवाभावादाह । पतितेति । "अशुचिशुक्रोत्पन्नानां तेषां श्राद्धमिच्छतां प्रायश्चित्तं पतनीयानां तृतीयोंऽशः स्त्रीणामंशस्तृतीये" इति बोधायनस्य पतनीयानां पतितानां बाहुलकात्कर्तर्यनीयरूपत्तितोत्पन्नानां शुद्धिमिच्छतां पतितप्रायश्चित्तस्य तृतीयोंऽशः पुमपत्यस्य स्त्र्यपत्यस्य तु तृतीयस्यापि तृतीयोंऽश इत्यर्थकस्य पतितेन प्रायश्चित्ते कृते तेषां तद्विषयता न तु प्रकृतविषयतेत्यभिप्रेत्याह । कृतेति । कृतस्तत्संसर्गो यत्र काले तद्योग्ये इत्यर्थः । अन्यदप्याह । तथेति । पतितोत्पेति पतिताश्च महापातकिनोनुपातकिनोनुपातकिनस्तत्संसर्गिणो नास्तिकः प्रमादादपि चिरं श्रौतसांतिकर्मत्यागी अतमुपपातकाभ्यासो समुद्रपानप्राप्ती कन्याभिन्नः पतितोत्पन्नः । अपितृपित्रादित्यागी पीते तु पुत्राद्यत्यागी पातकेषु च कर्तॄणां प्रयोजका इत्येवमादयः । एते चाकृतप्रायश्चित्ता अव्यवहार्याः । मातुस्तु तादृश्या अपि न त्यागः । किंतु स्वेवापोषणं च पृथक् कार्यं । पितुरांतमपि महापातकिन एव त्यागो नान्यथा । पतितस्य तुल्ययुक्त्या प्राप्तशंकां

मि. पृ. २७५ निराचष्टेऽन्यत्रेति । अत्र बीजमाह । सेति । हि यतः । ननु दातुरयोग्यत्वात्कथं तत्वमत आह । तामिति । तथा च पतितोत्पन्नत्वे सति तन्मात्रगोत्रत्वं पातित्यातिदेशनिमित्तं न तु केवलं तादिति तादृशसंसर्गविशेषे पुंस एव पातित्यं च कन्याया इति भावः । एतेन पुत्रस्येव कन्याया अपि पातित्यं प्रायश्चित्ते तु विशेषः । उक्तबौधायनात् । वासिष्ठं तु यादृशं पातित्यं पुंसस्तादृशं न स्त्रिया इत्येवंपरमिति मूलोक्तमपास्तं । मिथो विरोधात् ॥ २६१ ॥

इति संसर्गिप्रायश्चित्तप्रकरणम् ।

याज्ञवल्कीये २६२ श्लोकः ।

निषिद्धेत्यत्राऽद्ये कर्मधारयः । द्वितीये बहुव्रीहिः । प्रत्येकमित्यत्र संमतिमाह । **तथोक्ते**ति । विनिगमनाविरहादाह । **यद्वे**ति । **संप्रमापणे** वधे । व्यवस्थामाह । **तत्रे**ति । **एवं मिश्रोऽपि** । विरोधं परिहरति । **यत्त्विति** । **अंतरप्रभवाः** प्रतिलोमोत्पन्नाः । कालपदलक्ष्यार्थमाह । **द्वादशेति** । **अनेने**त्यस्यार्थो **व्रतेनेति** । साधर्म्यान्न्यूनतां निराचष्टे । **शूद्रेति** । अङ्गवैकल्पायाह । **यद्यपीति** । नमस्कारमंत्रस्वरूपमादावुक्तम् । अंगवैकल्पेऽपिवचनं तस्मात्परमापूर्वं तिष्यति इत्याह । **यद्वेति** ॥ तदेवाह । **तस्मादिति** । समासादः । पर्षदुपस्थानम् । **तथा तद्वत्तेनैव अंगिरसैव** । विरोधं परिहरति । **यत्त्विति** । अस्येत्यस्यार्थः **शूद्रस्येति** । प्रकृतत्वादाह । **व्रतो वेति** । अनुपसत्तिः मि. पृ. २७६ पर्षदनुपस्थानं । **एतानि** प्रागुक्तानि । उपसंहरति । **अत इति** । प्रतिलोमांशे आह । **यत्त्विति** । ॥ २६२ ॥

इति पंचमहापातकप्रायश्चित्तप्रकरणम्

याज्ञवल्कीये २६३।२६४ श्लोकौ ।

संगतिमाह । **महेति** । **मासमिति** कालाध्वनोरिति द्वितीया । **गोष्ठ** इत्यत्र शयवासेति सप्तम्या अलुक् । अथ भावायाह । **मूलेति** । अत्र व्रतचतुष्टयमित्याहा**सावित्यादिना** । **संयम** इत्यस्यार्थः **समेति** । पंचगव्यानि यस्मिन्समूहः । सकुशोदकसहितस्तत्घटकानां तेषां स्वरूपाणि स्मृत्युक्तक्रमेण गृहपंचेति तानि तद्घटकानि च पंचगव्यानीत्यर्थः । तथा च नेदं व्युत्पत्तिप्रदर्शनामिति न स्मृत्यंतरविरोधः । अत एव न समाहारद्विगुरपि । अस्य फलं सूचयन्नाहाहोरात्रेति । प्रत्यासत्या आहाऽतश्चेति । न्यूनतां परिहरति । **अन्विति** ते । एवमग्रेऽपि । **वचनादि**त्यस्य गम्यत इत्यत्रान्वयः।

पदार्थानुक्त्वा वाक्यार्थमाह । **एवमिति** । चेन संयत इत्यपि । तद्वक्ष्यति । **समेति** । द्वितीयार्थो **निरमिति** । ननु च द्वयास्तयोः समुच्चय एव कुतो नात आहाऽत **एवेति** । अस्य व्रतस्यापरत्वादेवेत्यर्थः । एतदामिवैवकार इति भावः । कार्योऽथ वेति । उपसंहरति **इतीति** । अथ व्यवस्थामाह । **तत्रेत्यादिना** । तत्र चतुर्णां मध्ये । मात्रपदेन तपःश्रुत्यादिनिरासः । अग्रे तेन गुणादिनिरासः । अत एवाह । **विशिष्टेति** । **तादृग्विधे** अकामकृते । एवमग्रेऽपि । इदमुपपादयति । **अत्रेति** । उक्तविषये इत्यर्थः । **ततश्चे**त्यस्य लघी**यस्त्व**मित्यत्रान्वयः । एवमग्रेऽपि कल्प तत्तुल्यत्वाच्चेत्यर्थः । **षड्भिरिति** । अत एव षड्एकाहाः प्राजापत्यप्रत्याम्नीय इति **स्मृत्यर्थसारः** ।

अतिकृच्छ्रस्वरूपमाहा**ऽतीति** । तत्र च तदात्मकेण संप्राजापत्यव्रते च विनिगमनाविरहा- मि. पृ. २७७. **दाहाऽथवेति** । विरोधं परिहरति । **यत्त्विति** । एवमग्रे सर्वत्र बोध्यम् । **यत्रेति** । तस्यैकं मासं पंचगव्येन वर्तनं स्यात् । तच्च प्रत्यहं पलत्रयपरिमितमित्यर्थः । मासस्य परान्हेऽपि संबंधः । विनिगमनाविरहादाह । **द्व्यादिति** । उभयत्राऽऽहा**ऽत्यंतेति** । उक्तनिरासायाह । **द्वितीयमिति** । द्रष्टव्यमित्यत्रान्वयः । मासमित्यस्यानुवृत्यर्थमाह । **मासमिति** । **षष्ठे काले** । तृतीयदिने रात्रौ **अतिप्लवं** । अतित्वरितेन मार्गेण । **यवागूमिति** । यवागूरुष्णिकाश्राणेत्यमरः (२।९।६३६) । तंडुलैः शिथिलपक्वा यवागूरिति **कर्कादयः** । मिश्रव्रतरूपा यवागूरित्यन्ये । यवागूपल्यतंडुलचूर्णद्रवरूपमन्नमिति**चंद्रिकाकारः** । छेयी यवागूरिति **धूर्त्तः** । **यावक** उक्तः । **शकृत्** गोमयम् । सप्तार्ता प्रावृत्तिः सक्तोः पुनरपि मासप्रेत तथा च **शूद्रस्वामिकगुरुहत्या-**

विषयमिति भावः। विनिगमनाविरहादाह। **भूतेति**। वर्णत्रयद्विजसेवं धान्यादिः। एवमग्रेऽपि विशेषं वक्तुमुक्तं व्यवस्थापयति। **तदिदमिति**। अत एव **जाबाल** अकामत इत्युक्तम्। तमेवाह। **परेत्यादि**। ईदृक्विधावित्यस्येष्टव्याख्या। **अबीति**। **हविष्यमन्यत्र** प्रतिपादितं। **चतुर्थकाले** द्वितीयदिने रात्रौ उत्पत्त्यनिवृत्तये यवागूः कालमिति क्रियाविशेषणम्।

"तिलमुद्गावृते शैब्यं सस्ये गोधूमकोद्रवौ। धान्याकं देवधान्यं च शमीधान्यं तथैक्षवम्॥

"स्विन्नधान्यं तथा पण्यं मूलं क्षारगणः स्मृतः"– इत्युक्तानि **क्षाराणि**। **लवणानि** प्रसिद्धानि सर्वाणि। **मासाविति** कालाध्वनोरिति द्वितीया। **तिष्ठन्निति** ऊर्ध्वंतिष्ठन् खुरोत्थितं मि. पृ. २७८ रजः पिबेदित्यर्थः। भित्त्याद्यनाश्रित्योपवेशनं **वीरासनं**।

"अस्थितस्तु दिवा तिष्ठेदुपविष्टस्तथा निशि। एतद्वीरासनं नामे"त्यन्ये। **अभिशस्तां संबद्धां** चौरादिभिरित्यर्थः। तत्कृतभयैः पालितामित्यर्थः। 'सर्वप्राणैरिति' अपानाद्याशयेनोक्तिः। **मारुते** भृशं वाति गच्छति सति। **शक्तितः** गोत्राणं अकृत्वा आत्मनस्त्राणं न कुर्वीत। **अविद्यमाने**। तद्दानापर्याप्तधने ऋषभैकादशगवीदानासामर्थ्ये इति यावत्। अत्राहारांतरानभिधानात्कंदमूलादिना वर्तनमर्थासिद्धम्। 'अनेकविधिने'त्यनेन पूर्वोक्तद्वैमासिकेतिकर्तव्यतातिदेशात्। 'चतुर्थकालमश्नीयादक्षारलवणं मितामि'त्युक्तरीत्या शरीरयात्रा कर्तव्येति केचित्।

गोमतीविद्या च यमेन दर्शिता

"गोमतीं कीर्तयिष्यामि सर्वपापप्रणाशिनीं। तां च मे गदतो विप्राः शृणुध्वं सुसमाहिताः॥
"गावः सुरभयो नित्यं गावो गुग्गुलगंधिकाः। गावः प्रतिष्ठा भूतानां गावः स्वस्त्ययनं महत्॥
"अन्नमेव परं गावो देवानां हविरुत्तमम्। पावनं सर्वभूतानां रक्षंति च न हंति च॥
"हविषा मंत्रपूतेन तर्पयंत्यमरान् दिवि। ऋषीणामग्निहोत्रेषु गावो होमप्रयोजकाः॥
"सर्वेषामेव भूतानां गावः शरणमुत्तमम्। गावः परं पवित्रं च गावो मंगलमुत्तमम्॥
"गावः स्वर्गस्य सोपानं गावो धन्याः सनातनाः।
"नमो गोभ्यः श्रीमतीभ्यः सौरभयीभ्य एव च। नमो ब्रह्मसुताभ्यश्च पवित्राभ्यो नमो नमः॥
"ब्राह्मणाश्चैव गावश्च कुलमेकं द्विधा कृतम्। एकत्र मंत्रास्तिष्ठंति हविरेकत्र तिष्ठतीति"॥
अत्र स्नानांगभूतमंत्रपठनं संध्यावंदनं च कार्यम्।

अत्र लिंगमाहा**ऽतीति**। न्यूनतां परिहरति। **यदा त्विति**। अस्यान्यत्रोक्तत्वादाह**हेति न्यायेनेति**। विरोधं परिहरति। **यत्त्विति**। एवमग्रे सर्वत्र। **वृषगत्रे हताविति**। वृषघाते वृषस्त्रीगवीघाते वेहतमिति **स्मृतिमंजर्याम्**। गर्भोपघातिनी **गौर्वेहत्**। पक्षांतरमाहा**ऽथवेति**। अथवा प्राप्तसततं पुनः पुनरनुगच्छेदित्यर्थः। मुरितिपाठः। मौनीति पाठांतरम्। द्विभिःउपलक्षितः। **उदक्या** रजस्वला।

तत्र तयोर्मध्ये। **कर्मांगेति** यत् दुग्धस्य कर्मण्येवोपयोगस्तामित्यर्थः। अत्र लिंगमाह। **गर्भिणीमिति**। कपिलालक्षण मूल्याध्यायविवृत्तौ स्पष्टम्। **सुव्रतां** पवित्राहाराम्। प्रकृतसाधकमप्याहा**ऽत एवेति**। **ईदृग्विधमेव** उक्तसदृशमेव। अन्यथा प्रायश्चित्तस्य गुरुत्वात्तदंशेऽसंगतिः स्पष्टैव। अनुक्तत्वादाहा**ऽभीति**। भ्रूणशब्देनाऽत्र ब्राह्मण इत्याऽऽह। **ब्रह्मेति**। वृषभ मि. पृ. २७९. एको यासां तासां शतसंख्याकगवीनां दानेत्यर्थः। **प्राकृतं** प्रागुक्तं प्रागवदाहा**ऽभीति**।

ननु तत्रापि कामस्यैव प्रक्रमान्नेदं युक्तमत आह । **यद्वेति** । एवं सति न्यूनतां परिहरति । **तादृगिति** । अशस्त्रे इति छेदः । ताद्भिन्ने काष्ठादौ । **लोष्टं** मृद्गोलकम् । **ततः** सांतपनाद्यनंतरे प्रायश्चित्तं उक्तप्रायश्चित्तविशेषे कृते सति । अत एवाह । **पूर्वकल्वेति** । तत्क्षेत्रविपरीतं **मदनोक्त**मपास्तम् । **तथा** तद्व्रततदर्थमिति व्याचष्टे । **नीरोगादीति** । **द्विपादः** द्वित्वयुक्तः पादः । एवमग्रेऽपि । **पराशरमाधवे** तु

"गोवधस्यानुरूपेण प्राजापत्यं विनिर्दिशेत् । प्राजापत्यं ततः कृच्छ्रं विभजेत्तच्चतुर्विधमि"त्यत्र एकभक्तादिरूपं प्राजापत्यव्रतं गोवधस्य प्रायश्चित्तम् । तच्च व्रतं तत्प्रमाणप्रकारेण चतुर्विधम् । एकाहायनस्य गोवधे एकाहं एकभक्ताशीति व्यवस्था । द्व्यहायनस्य वधे दिनद्वयमिति कल्पः । त्रिहायनवधे त्रिदिनं चैकेति तृतीयः कल्पः । उपरितनवयस्कस्य वधे च चतुरहं त्वेकभक्ताशी चतुरहं नक्तभोजनः । चतुरहमयाची स्याच्चतुर्दिनमभोजनमिति चतुर्थः कल्प—इति—गोवधतारतम्येन श्लोकचतुष्टयस्य व्यवस्था कृता । एवमग्रेऽपि । उत्पन्नमात्रे गर्भग्रहणमात्रे यद्व्रतमुद्दिष्टं तस्य तुर्यांशः पादः यत्र यदुपदिष्टं ततो द्विगुणं विशेषमाह । **बहुकेति** । अस्यार्थमाह । **यादृक्विधेति** । न्यूनतां परिहरति । **एका चेदिति** । बहूनामितिङीप्यभावे प्रयोगः । यथासंख्यमाह । **पादद्वयमिति** । कृत्स्नव्रतेति । संपूर्णव्रते इत्यर्थः । तत्र दृष्टांतमाह । **सत्रिणामिवेति** । लिंगम् आह । **एकमिति** । विशेषांतरमाह । **यदा त्विति** । **बहव** इति प्राग्वत् । **व्यापन्नानामिति** शेषे षष्ठी। **रोधने वंधनेऽपि** का । बव्हीषु मृतासु सतीत्यर्थः । रोधोऽत्र रात्रौ रक्षार्थं क्रियमाणरोधान्न्याहारप्रचारानिर्गमरोधः । बंधनं चादृढकुशकाशादिरज्जुभिन्नेनायथावंधनप्रकालबंधनम् । इदमेवोद्बंधनम् । योजनं हलशकटादावतिवाहादिना । अस्यार्थमाह । **बहुष्वपीति** । 'व्यापादितास्विति' पाठः । 'द्वितीयपादार्थमाह । **तथेति** । 'एकस्या अपीति' पाठः । अन्यथा पृथगुक्तिव्यर्थैव स्यादिति भावः अन्यदाह **भिषगिति** । **अतिरिक्तं** अधिकम् । विरोधं परिहरति । **यच्चेति** । **तेनैव आपस्तं**-

मि. पृ. २८० **बेनैव** । इतरस्पष्टमुक्तार्थाप्रतीतेराह । **एतदिति** । एतत्सूचितमाह । **ये त्विति** । उपसंहरति । **तत्र चेति** । तयोर्भेदे च सतीत्यर्थः । अत्र समत्यंतरमाह । **योक्त्रं** नासिकाछेदः । बहुवचनात् रोधनमपि अकामकृतेति बहुव्रीहिः । **ततः** प्रायश्चित्तश्रवणानंतरं ।

अविरोधाय व्यवस्थामाह । **अयं चेति** । **योजने** रथादौ । **निपातने** नितरां पातने । मारणे इति यावत् । त्रैमासिकपादस्यैवार्थमाह । **किंचिदिति** । अन्यदप्याह । **आपस्तंबेना**प्राप्तिविशेषमाहाऽभक्षणेति । लक्ष्मी लक्षणं रोधेति,सायमित्यनेनाऽन्वयेति । अंकनलक्षणयोरन्यत्र अभेदस्य स्पष्टत्वादाह । **अंकनमिति** । सप्तेति सप्तस्यकाशकामित्यर्थः । अतिवाहने दोषादतिशास्त्रोक्तेति प्राणे संभवादिति भावः । **मौंजेन** मुंजविकारेण रज्जुना वध्रत्वधर्मरज्जुः । **विवर्जित इति** सप्तम्यंत तथा तद्वत्संघाते जनाद्याकीर्णे । **मृते** मरणे । अन्यदप्याह । **पालेति** । क्वचिदित्यस्यैवार्थोऽयम् । **तेनैव व्यासेनैव** । **जलौघेति** समाहारद्वंद्वः । **पल्वलं** अल्पसरः । "जलौघयंकिले" इति पाठांतरं । **श्वभ्रं** गर्तः शुष्कः । **उद्बंधनं** दृढबंधनं । **शून्यागारे**

मि. पृ. २८१ वृन्द्वाया इति शेषः । पूर्वोक्तमाह । **अपालेति** । **उपप्लवो** मरणम् । **तथा** तद्वत् । **विमोचने** इत्युभयान्वयी । **प्रवेशनं** गुदमध्ये । **तथा** तद्वत् । **स्नेहं** घृतादि । **ददत्** ददाति । **तथा** तद्वत् । समत्यंतरमप्याह । **अत्रेति शरौघेणेति** । पूर्वाश्वपाकपरवातकन्यागर्तः ।

व्यवस्थामाह । **इदं त्विति** । **इतरत्र** बद्धमरणे । विशेषांतरमाह । **तथेति** । विरोधं परिहरति । **यस्त्विति** । **आदिना** दधिघृते । **वर्तनं** पानं । सर्वत्र विशेषमाह । **इदं चेति** । प्रागुक्तं सर्वं चेत्यर्थः । **प्रमापणे** मारणे । राज्ञे तत्समद्रव्यदानदंडं दद्यादित्यर्थः । सर्वत्र विशेषांतरमाह । **एतच्चेति** । **जातं** समूहः । अत्र विरोधं परिहरति । **यस्त्विति** । **आदिना** महापातकमपि । अत एव पूर्वविरोधो न । **तथा** तद्वत् । चेनानुग्राहकादीनां पादोनादिसमुच्चयः । **अंगुलद्वयं** अग्रे मूले वेत्यन्यत्र स्पष्टम् । तीर्थादावप्येवमित्याह । **सर्वत्रैवेति** । **हि** यतः । **उक्तः** वपनविषये । **पादे** इत्यादि विषयसप्तमी । तदभिप्रेतस्यार्थमाह । **पादेति** । **अपिना** तत्समुच्चयः । एवमग्रेऽपि । विधवायास्तु मुंडनमस्त्येव । उपसंहरति । **एवमिति** । ॥ २६३ ॥ २६४ ॥

इति गोवधं प्रायश्चित्तप्रकरणम् ।

याज्ञवल्कीये २६५ श्लोकः ।

मि. पृ. २८२ **अधुना** तदनन्तरम् । **अन्येषाम्** । व्रात्यत्वादीनाम् । एवमग्रे ।

उक्तेनेति आदिना प्रागुक्तं त्रितयम् । पराकेऽपि माससविधो बोध्यः । उपदेशाकरणफलमाह । **अत्रेति** । व्रात्यतादावित्यर्थः । तेषां व्यवस्थायाः प्रागुक्तत्वात्तदन्यतममादायैतद्व्यवस्थामाह । **तच्च व्रतेति** । अत्रेत्यत्राक्षराधिक्यमार्षम् । एतदेवैतस्यार्थस्**त्रैमासिकमिति** । सामान्योक्तेराहाऽत **एवेति** । अस्मादेव **मनुवचनादि**त्यर्थः । **अवकीर्णी** स्खलितब्रह्मचर्यः । **बाधेति** । पक्षे इति भावः । **उक्तेति** बहुव्रीहिः । उपपातकविशेषाणां गणपाठः । तन्मध्यपाठः । परमतं खंडयति । **यदीति** । **परं** केवलम् । **अन्यत्र** स्मृत्यन्तरे । एवमग्रेऽपि । ऋचोशतम् । **सिद्धांतमाहाऽत इति** । अंतस्यान्वयः **सहेत्यस्य** । विकल्पादावन्वयः । यथासंख्येन साम्ये आह । **विकेति** । वैषम्ये आह । **विषेति** । उपनयनोचितकाले तदभाव वा चान्यः । उद्दालकव्रतस्वरूपमेव दर्शयति । **द्वौ मासावित्यादिना** । १२३ दिनात्मके **मानवं** गोवधप्रकरणोक्तं । **तत्रैव** अनापद्येव उपयुक्तं तमाह । **यस्येत्यादिनेतीत्यंतेन** । इत्थं हि **सः** (१।२।२८–२।१०)"अतिक्रान्ते साविश्याः कालऋतुंत्रैविद्यकं ब्रह्मचर्यं चरेदथोपनयनं ततः संवत्सरमुदकोपस्पर्शनमथाध्यायः । अथ यस्य पिता पितामहश्च इत्यनुपनीतौ स्यातां ते ब्रह्महासंस्तुतास्तेषां गमनं भोजनं विवाहमिति वर्जयेत् तेषामिच्छतामिदं प्रायश्चित्तं यथा प्रथमेतिक्रमः सक्षरेव संवत्सर अथोपनयनं तत उदकोपस्पर्शनं । प्रतिपुरुषं संख्याय संवत्सरान्यावंतोऽनुपनीताः स्युः सप्तभिः पावमानाभिर्यदंति यच्च दूरक इत्येताभिर्यज्ञपवित्रेण सामपवित्रेणांगिरसेनेत्यपि वा व्याहृतिभिरेव वा सोऽध्याप्योऽथ यस्य प्रपितामहादीनां न स्मर्यत उपनयनं ते श्मशानसंस्तुतास्तेषामभ्यागमनं भोजनं विवाहमिति वर्जयति । तेषामिच्छतां प्रायश्चित्तं द्वादशवर्षाणि त्रैविद्यकं ब्रह्मचर्यं चरेदथो(प)नयनं तत उदकोपस्पर्शनं पावमान्यादिभिरथ गृहमेध्योपदेशनं नाध्यायनं ततो यो निर्वर्तेत तस्य संस्कारो यथा प्रथमेऽतिक्रमे तत ऊर्ध्वं प्रकृतिवदिति" । अयमर्थः । विप्रादीनां षोडश–द्वाविंशति–चतुर्विंशतिवर्षात्मके साविश्यापनयनस्य काले अतिक्रांता ऋतुमासद्वयं यावत्त्रैविद्यकब्रह्मचर्ये वेदत्रयं संबंधि भैक्ष्याशनगुरुशुश्रूषणादिकं चरेत् । वेदत्रयार्थमृतुत्रयं

ब्रह्मचर्यं चरेदित्यर्थः । अथ ऋतुत्रयं ब्रह्मचर्यानंतरमुपनयनं कार्यम् । तत्र उपनयनानंतरं संवत्सरं यावदुदकोपस्पर्शनं प्रत्यहं प्रायश्चित्तरूपस्नानं कुर्यात् । अथाध्यापनीयः । एतदुद्दालकव्रताशक्तस्य यस्य व्रात्यस्य पितापितामहावप्युपनयनरहितौ स्यातां ते त्रयोऽपि ब्रह्मसंस्तुतः । ब्रह्मशब्दवाच्याः । तेषां गमनं तान्प्रति स्वकार्यार्थं गमनं तत्संबंधि भोजनादि च वर्जयंते । तेषां शुद्धिमिच्छतामिदं वक्ष्यमाणप्रायश्चित्तं । अंतोः स्थाने संवत्सरः । ततश्च प्रतिपुरुषं वत्सरात्रितयं ब्रह्मचर्यं कार्यम् । अथोपनयनम् । ततो यावंतोऽनुपनीताः पुरुषाः तावत्संख्यस्य यदि द्वावनुपनीतौ तर्हि द्वौ संवत्सरौ यदित्र्यनुपनीतांस्त्रीन् संवत्सरानिति प्रत्यहं स्नानं कुर्यात्केचन संवत्सरमुदकोपस्पर्शनमिति व्याचक्षते । तत्र मंत्राः यदंति यच्च दूरके भवं विदंति मामिहेत्येताभिः सद्यभिः पावमानीभिः ऋग्भिर्मार्जनमघमर्षणं च यथाशक्ति कुर्यात् । ये हविषाः पवित्रेणेति यज्ञपवित्रां कया नश्चित्रा आभुवदिति सामपवित्रा हंसः शुचिषदित्यंगिरसव्याहृतया वा स्नानमंत्राः । भवति प्रायश्चित्तमिति मंत्रा अध्याप्याः । एवं कृतप्रायश्चित्तस्त्वध्याप्यः । यस्य प्रपितामहादेरुपनयनं नास्ति तथार्वाचामपि पुरुषाणामुपनयनाभावः ते सर्वे श्मशानशब्दवाच्या अशुचय इत्यर्थः । तेषां गतेष्वभ्युपस्थानं भोजनादि चापद्यपि न कुर्यात् । तेषां स्वयमेव शुद्धिमिच्छतां प्रायश्चित्तं द्वादशवर्षाणीत्यादि स्पष्टार्थम् । उदकोपस्पर्शनमपि पुरुषसंख्यावत्सरानभिव्याप्य संवत्सरं चोदकस्पर्शनं । तत्र मंत्राः पूर्वोक्ता एव । ततोऽध्यापनं नास्ति किंतु गृहस्थाश्रमस्वीकारः । तत उपदिष्टगार्हस्थात्पुरुषात्संततिम् । तस्मादुत्पन्नस्योपनयनसंस्कारः प्रथमातिक्रमे यथा अतिक्रांते साविज्याः कालो ऋतुत्रैविद्यकैर्ब्रह्मचर्य अतितद्वद्भवंति तत्र ऊर्द्ध्वं प्रकृतिवत् तत उत्पन्नस्याऽनतिक्रांतसावित्रीकालोपनयनवादिति । ब्रह्मचर्यम् भैक्षाशनगुरुशुश्रुषादिरूपम् । अत्र विप्रस्वामिकस्वर्णतत्समभिन्नमेवास्तेयं च

मि. पृ. २८३, तद्विषयम् । अनुक्तत्वादाह ।**क्षत्रीति**। अपहर्तुस्तस्य यथाक्रमं पादोनमर्द्धं पादश्चेतीत्यर्थः । तदेव तत्र हेतुमाहा**ऽष्टेति** । व्याख्यातमिदं व्यवहारे । हेत्वंतरमाह । **तथेति** । तद्वदित्यर्थः । तदेव विशदयति । **अत इति** । **एवमिति** । वैश्यादावित्यर्थः । **धान्ये इति** । विषयसप्तमी । **भाग इति** ।

• "अष्टमुष्टि भवेत्किंचित्किंचिदष्टौ च पुष्कलम् । पुष्कलानि च चत्वारि आढकः परिकीर्तितः ॥ "आढकानि च चत्वारि द्रोण इत्यभिधीयते । षड्भिर्द्रोणैर्भवेत् वारी कुंभोऽपि द्रोणविंशतिरि"त्यन्ये पंचदशांशेतिपादोनसप्तदशपणेत्यर्थः । विशेषमाह । **तथेति** । **क्षत्रेति** समाहारद्वंद्वः । तेन जलस्य च तंत्रत्वेदं जलादावतिप्रसंगाहि तत्र त्वन्यूनताऽत आद्यमभिप्रेत्याह । **सार्धेति** । ननु मूलत एवं चांद्रमास्येदं व्यर्थं अवमुत्यानुवादत्वे तु न चमुक्तपूर्वमंत आह । **चांद्रेति** । तत्र बीजमाह । **तावदिति** । सार्धशतसदाकृष्णेत्यर्थः । कृच्छ्रसहितमतिकृच्छ्रमिति मध्यमपदलोपे समासः । अथ तयापदतगस्यापि यद्वा लक्षणा तेन रुपव्यपीति जलविशेषणं दारादिजलनिरासार्थं तेन सजलवापीकूपापहारे प्रायश्चित्तद्वयमित्यपराकाल एकोक्रमण एतेत इत्यव्यपीति । अन्यदप्याह । **तथेति** । **तान्निर्वात्य** अपादनद्रव्य एव च दत्वा । प्रागवदाह । **अनेनेति** । **अल्पसारेस्वस्य** व्याख्या अस्य प्रति ।

प्रागवदाह । **इदं चेति** । अर्द्धं तृतीयं यस्मिन्नित्यर्थः । तस्य सांतपनस्य । व्यवस्थामाह । **एकवारेति** । न्यूनतां परिहरति । **यानादीति** । उपसंहरति । **सर्वत्रेति** । प्रागवदाह । एवं

चेति। प्राग्वदाह। अत्रापीति। रज्वा चैवेति पाठः। प्राग्वदाह। अत्रापीति। प्राग्वदाह। म्रियमाणेति। विशेषमाह। इदं चेति। सति स्वामिनीति भावः। तथा विनिगमनाविरहादाह। तथेति। ऋणत्वेन संस्तुतं यज्ञादेरित्यर्थः। अहोऽपिग्नेति वार्तिक्रमे चांद्रमासातिक्रमे त्वहः श्रौतस्मार्ताग्न्याधानाभावे इदं गृहीतत्वनास्तिक्यादिना त्यागे धर्मद्वित्पादिषु विशेष उक्तः। तथा च व्याघ्रपादः

"मासद्वयं तु यो वह्निं त्यजेदेव समाचरेत्। नास्तिक्यात्कृच्छ्रमेकं तु होमद्रव्यं ददाति च॥"

तथा

"योऽग्निं त्यजति नास्तिक्यात्प्राजापत्यं चरेत् द्विजः। अन्यत्र पुनराधानमुपदिष्टं मनीषिभिः॥"

चतुर्मासत्यागे त्वतिकृच्छ्रः। तथा च स एव

"चतुष्टये तु संपूर्णे मासानां तु हुताशनम्। त्यक्तातिकृच्छ्रं कुर्वीत ततः पापात्स मुच्यते॥"

षण्मासपर्यंतं पराकः अत ऊर्ध्वमब्दपर्यंतं पयोव्रतम्। यथाहोशनाः

"षण्मासांस्त्यजते यो वै पराकं स समाचरेत्। ऊर्ध्वं पयोव्रतं कुर्यान्मासमेकं समाहितः॥

"वर्षपर्यंतमेवाहुर्मुनयः शंसितव्रताः।" संवत्सरादूर्ध्वं तु स्कंदपुराणे

"ऊर्ध्वं संवत्सरादग्निं यस्त्यजेत्स पयोव्रतम्। द्वैमासिकं ततः कुर्यात्त्रैमासिकमथापि वेति॥"

कालाल्पत्वमहत्वापेक्षया विकल्पः। प्रमादान्मासमग्निपरित्यागे कूर्मपुराणे

"षष्टिं रात्रिं त्यजेदग्निं प्रमादाच्छृणु मे प्रभो। उपवासं तथा कुर्यात्प्राजापत्यमथापि वा॥"

तथेत्यनेन तत्र प्रकृतं त्रिरात्रं परामृश्यते। मासद्वयपरित्यागे त्रिरात्रम्। अत ऊर्ध्वं संवत्सरपर्यंतं प्राजापत्यम् अत ऊर्ध्वं कालबहुत्वे प्रायश्चित्तबहुत्वम्। तथा च भारद्वाजगृह्यम्। "प्राणायामशतमात्रिरात्रादुपवासः स्यादाविंशतिरात्रादत ऊर्ध्वं माषषष्टिरात्रात्तिस्रो रात्रीरूपवसेत्। अत ऊर्ध्वं मासं वत्सरात् प्राजापत्यं चरेत्। ऊर्ध्वं कालबहुत्वे दोषबहुत्वमिति"। उपवासश्च त्रिंशद्रात्रादित्यपि पाठः। आलस्येन परित्यागे स्मृत्यंतरे

"आलस्येन यदा वह्निं द्वादशाहं त्यजेत् प्रभो। त्रिरात्रमुपवासं च चरेत् पापविमुक्तये॥"

भारद्वाजगृह्यम् "द्वादशातिक्रमे त्र्यहमुपवसेत्। मासातिक्रमे द्वादशाहमुपवासः। संवत्सरातिक्रमे मासोपवासः पयो भक्षणं वा। कूष्मांडीभिर्होमः क्रमेणोभयं भवति उपवासासमर्थस्य मासं पयो भक्षणम् संवत्सरानंतरमधिककालातिक्रमे उभयं"। एतच्च गृह्याग्निविषयम्। हारीतः "संवत्सरोत्सन्ने अग्निहोत्रे चांद्रायणं कृत्वा पुनरादध्यात्। द्विवृषोत्सन्ने चांद्रायणं सोमायनं च कुर्यात्। त्रिवृषोत्सन्ने संवत्सरं कृच्छ्रमभ्यस्य पुनरादध्यादिति"। शंखः "अग्न्युत्साही संवत्सरं प्राजापत्यं चरेत् गां च दद्यादिति"। एतदकामतोश्रौताग्न्युत्सादे। कामतश्च मनूक्तम् (११।४१)

"अग्निहोत्र्यपविध्याग्नीन्ब्राह्मणः कामकारतः। चांद्रायणं चरेन्मासं वीरहत्यासमं हि तत्॥"

मासमग्नीनपविध्येत्यन्वयः। केचनालस्यादिना मासपरित्यागे प्रथममासे कृच्छ्रत्रयं। ततो माससंख्यया कृच्छ्रसंख्येति। एवमादयो गुरुलघुकल्पाः शक्त्याद्यपेक्षया व्यवस्थापनीयाः। एवं प्रायश्चित्तानंतरं प्राप्तकाले पुनराधानं कृत्वा नित्यकर्म कुर्यात् प्रायश्चित्तं च होमद्रव्यं दत्वा। तथा च भारद्वाजगृह्ये

"यावत् कालमहोमी स्यात् तावत् द्रव्यमशेषतः। तद्दानं चैव विप्रेभ्यो यथा होमस्तथैव चेति॥"

विशेषं वक्तुमाह। **अपेति**। सर्वथा तदसंभवे आह। **प्रायश्चीति** । क्लृप्तानां विहितानां अत्रोधमर्णऋणादने कालविलंबादिप्रयुक्तमेतत्प्रायश्चित्तमुत्तमर्णाय तद्धनं दत्वैव कार्यं सति धने। अनतिप्रसंगायाह **अधीति**। **एतदेव**मूलोक्तमेव। विशेषमाह **अर्वागिति** । विशेषांतरमाह **अनेति** । तन्निष्क्रयाय त्विति पाठः। तन्निष्क्रयन्निर्तीति पाठांतरम्। अकरणे चेति। तथा चांद्रायणेषु च तप्तकृच्छ्रः उदपानं कूपसमीपं जलाशयदशाधिकसहस्रं। ब्रह्मचर्याद्यकरणमपि देवऋणं बोध्यम्। **विक्रये चेति** उक्तं। **जपन्** गायत्रीमिति शेषः। **मानं** प्रस्थादि। **उन्मानं** तुलादि। **हीनं** चोभयत्र संकीर्णमयमिश्रितान्यवस्तुप्रायश्चित्तमित्यर्थः। उपसंहरति **एवमिति**। अत्र सर्वत्र दंडं पर्यालोच्य प्रायश्चित्ताधिक्यं कल्प्यम्। इदं च प्रायश्चित्तजातं तद्विक्रयार्जितधनोत्सर्गपूर्वं कार्यं। अनापदि दत्वा पूर्वगृहीता कन्या तत्संतोषार्थमिति भावः। **निर्विशेत**। तदनुज्ञया गृह्णीयात्। तदेवाह। **तां चैवेति**।

विरोधं परिहरति। **यत्त्विति**। **अभिविष्टे** अविवाहिते। विरोधांतरं परिहरति। **यदपीति**।
मि. पृ. २८५ विशेषमाह। **यदेति**। विरोधं परिहरति। **पूर्वोक्ताविति**। **मनुनेति** भावः। **कृच्छ्राविति**। अत्र चिरक्षिप्रादिभेदेन व्यवस्था द्रष्टव्या। अतिदिशति। **एतच्चेति**। अनाहिताग्नौ ज्येष्ठे आधाता कनिष्ठः पर्याधाता ज्येष्ठः पर्यहितः। **अत एव** तत्तुल्यत्वादेव तमेवाहाग्रे **इति**। एतेनान्यथा पाठो निरस्तः। **तत्र** तयोर्मध्ये **प्राजेति** तां परित्यज्येत्यादिः। तां चैवेत्यस्याग्रे पाठाभावः। **देहिन्यामिति** एतेनान्यथा व्याख्यानं **स्मृत्यर्थसारोक्तमपास्तम्**। पूर्ववदत्र निवेदनानुपयोगाच्च। इदमपि अकामतः। कामतस्तु **गौतमीयम्**। अत्रानुक्तस्थले प्रौढकन्यायां अर्धप्रौढायाः पाद इति कल्प्यः। यत्र तु सोदरकनिष्ठभ्रात्रा सोदरज्येष्ठकन्यादावूढा ततो ज्येष्ठभ्रात्रा कनिष्ठा यद्वा ज्येष्ठभ्रात्रादौ कनिष्ठा ततः कनिष्ठेन ज्येष्ठा तत्र परित्याग एवं **परिविचि-** परिवेतृदातृयाजकानां द्वादशरात्रं सक्तुप्राशनं ब्राह्मणतर्पणं च तां पुनर्भुवमित्याचक्षते न भूयश्चै-नामभिगच्छेदिति **सुमंतोः**। नाभिगच्छेन्न प्राप्नुयात्परित्यजेदिति यावत्। यत्तु ज्येष्ठः स्वोलं कनिष्ठाप दद्यात् कनिष्ठोऽपि ज्येष्ठाय' एवमग्रेदिधिष्वादिष्वप्युत्क्रमविवाहेन तत्संस्कारस्याऽनिष्पन्नत्वादिति तन्न। अत्यंतलोकविद्विष्टत्वात्। दत्तकादौ तु नायं दोषः।

"भिन्नोदरे च दत्ते च पितृव्यतनये तथा। दाराग्निहोत्रसंयोगे न दोषः परिवेदना॥" इति **गौतमात्**। भिन्नोदरः सापत्नः। जनककुले ज्येष्ठभ्रातृसत्वेऽपि न दत्तकस्य तत्र परिवेत्तृत्वेनापि तस्य परिवित्तित्वम्। पितृव्यतनयः देवरजन्यक्षेत्रजः। तथा च तद्विवाहे देवरपुत्रस्य तद्विवाहे तस्य च दोषः। यथाश्रुतं तु न युक्तम्। परिगृहीतस्य दत्तपदेनैव संग्रहादन्यस्य निषेधेन प्रतिप्रसवाभावात्। इदमपि शुद्धदत्तके। द्व्यामुष्यायणे तु तत्रापि दोष एवेति बोध्यम्। एवं क्लीबकुब्जपतितविरक्तसंन्यस्तातिरोगिजडमूकगद्गदबधि। कथंवामनपादद्वयहीनातिवृद्धतस्कराविवाहानिच्छुशूद्रतुल्यमृतभार्याणां परिवेदने न दोषः। एवं वेश्याधनकृष्ण्याऽऽसक्त्या विवाहानिच्छुपरिवेदनेऽपि। **तथा च कात्यायनः**

"**देशान्तरस्थक्लीबैकवृषणं च सहोदरान्। वैश्यानिष्ठांश्च पतितशूद्रतुल्या निरोगिणः**॥

"जडमूकान्धबधिरकुब्जवामनषंढकान्। अतिवृद्धानभार्यांश्च कृषिसक्तान्नृपस्य च ॥
"धनवृद्धिप्रसक्तांश्च कामतोकारिणस्तथा। कुटिलोन्मत्तचौरांश्च परिविंदन्न दुष्यतीति ॥"
धनधर्मविद्यार्थं देशांतरस्थे द्वादशवर्षाणि प्रतीक्षां कुर्यात्। तीर्थे तत्स्थे दश। तथा तद्वत्भृतकेति पणपूर्वाध्यापकादध्ययनग्रहणं भृतकाध्ययनम् पणपूर्वाध्यापनं च भृतकाध्ययनं तृतीयपादार्थ- माहोत्कर्षेति। अनुयागप्रदानांशे संमतिमाहाऽत एवेति। पातित्यं त्वभ्यासविषयं बोध्यं। प्राग्वदाहाऽत्रापीति।

तथा तद्वत्। एवमग्रेऽपि। उक्तम्। गुरुतल्पप्रकरणे। अन्यत्रापि गुरुदाराभिन्नेऽपि। दारे तद्विषये। अयमेव वचनांतोऽपि। श्रोत्रियस्येतीति। "द्रव्यलाभे चोत्सर्गो यथास्थानं वा गमयेदि"त्यस्य शेषः (२२।३१।३२)। ताभिर्यदि दत्तं द्रव्यं तदा त्याज्यं यदीपद्रव्यं यथा- प्रापनीयमित्यर्थः।

वक्ष्यमाणशंखानुरोधेनाह। यद्वेति। न्यूनतां परिहरति। एतादिति। एवमग्रेऽपि। आति- देशलब्धमाह। षण्मासीति। ब्रह्मचर्यं द्वादशवार्षिकव्रतं। विरोधं परिहरति। यत्त्विति। एवमग्रेऽपि। सर्वं द्वादशवार्षिकं। अनन्येति। विशेषोक्तिफलमाहाऽनन्वेति। एकस्यां नार्याम्। अभ्यासे द्वितीयवारादिगमने। नेदं अनन्यपूर्विकाभ्यास इव न प्रत्यभ्यासं पादपादाधिक्यरूपम्। ब्राह्मण्याः अव्यभिचारिण्याः। एतच्च ब्राह्मणस्येति सूचयन्नाह। क्षत्रियेति। कामत इति
मि. पृ. २८६. भावः। मासस्य कामविषयत्वादाहाकामेति। क्षत्रादीनामपि शूद्रागमने उक्तमासार्द्धमेव। अप्रेक्षा अबुद्धिः। निवृत्तेति दुष्टाचारस्येत्यर्थः। संवर्त्तानुरोधेन पक्षांतरमाह। द्विजातीति। व्यभीति पूर्वान्वयि। किंचित् अष्टमुष्टि। पक्षांतरमाह। द्विवेति। विशेषमाहेदं चेति। वृषली शूद्रा। तत्राभिजातो जनितापत्यः। वध एवेति। कामत इति भावः। सर्वत्रानुक्त- त्वादाह। एतासामिति। इदमुभयत्र बोध्यं। द्रष्टव्यम् अकामतः। अथ स्त्रीणामाह। स्त्रीणा- मपीति। तदेव संपूर्णं। अत्र प्रायश्चित्तार्धमित्यस्याप्रवृत्तिः।

"यत्पुंसः परदारेषु समानेषु व्रतं स्मृतं। व्यभिचाराच्च भर्तुस्त्री तदशेषं समाचरेदिति॥" बृह- स्पतेः। तथा च तत्स्त्रीपुंससाधारणव्रतोपदेशविषयम्। समानेषु सवर्णेषु। इदमुत्कृष्टस्याप्युपल- क्षणम्। बलात्सवर्णोत्कृष्टोपभुक्तायाः संवर्तोक्तं

"बलात्प्रमथ्य भुक्त्वा चेदं स्वमानेन चेतसा। प्राजापत्येन शुद्धिः स्यात्तत्तस्याः पावनं परम्॥"
अत्राशक्तौ ऋष्यशृंगोक्तं "बलेन कामितासवर्णेन कथं च न प्रायश्चित्तं त्रिरात्रं स्यात्तस्याः शुद्ध्यर्थमादिशेदिति"। परं केवलम्। महापथपदार्थमाह। एजेति। योषिदित्ति पाठांतरम्। पादाचेति पादन्यूनमित्यर्थः। विशेषमाह। यदा त्विति। एवमग्रेऽपि। प्रायश्चित्ताभावः पाप-
मि. पृ. २८८. गुरुत्वात्। आक्रम्य बलात्। इच्छापूर्वं चेयत्र यदुक्तं तत्र तत् द्विगुणम्। तत्रैव ऋष्यशृंगेणैव। वा चार्थे। गते निर्गते। विधि यथाविधि। वधोऽत्र नासिकादिकर्तन-
मि. पृ. २८९. मित्यपरार्के। विशेषानुक्तेराह। वार्धुष्येति। ॥२६५॥

याज्ञवल्कीये २६६।२६७ श्लोकौ।

मूलसंगतिमाह। लवणेति। तदर्थमाहाऽचिरेति। अष्टमासासार्धवर्षषोडशो नवमासाः पूर्व[illegible] सूचयन्नाह। वृत्तस्थे इति। ईषादित्यादिः। एवं स्मृतावपि सदाचार-

निरासमाह। वृत्तेति। अविरोधायाह। क्षत्रिये त्विति। शंखमाह पूर्ववदिति। अविरोधाया-
मि. पृ. २९० हेदं चेति। अत्र विकल्पमाह। स्त्रीशूद्रेति। यथाक्रममाह। मात्विति। विरोधं परिहरति। मान्विति। एवं प्रागग्रेऽपि। आदिना च साहसवन्महापातकानामपि संग्रहः॥ २६६॥ २६७॥

याज्ञवल्कीये २६८ श्लोकः।

प्रागनुक्तत्वादाह। स्त्रीवधे इति। तदर्थमाह। स्वैरीति। व्यवस्थामाहेदं चेति। प्रतीति। प्रतिलोमप्रसूतानां स्त्रीणां वधे चतुर्द्विषण्मासा। अंतरप्रभवानां सूतादीनां चतुर्थेत्यर्थः। तदभिप्रेत्याद्ये व्युत्क्रमेण व्यवस्थामाह। ब्राह्मण्या इति। सूतादिवधे व्यवस्था। आवृत्या सूतवैदेहकचंडालभेदेन षण्मासादय इति। विशेषमाह। यदा त्विति। एवमग्रेऽपि।
मि. पृ. २९२. वैश्यकर्म हट्टव्यापार। अधारष्टिनिरासायाह। तच्चेति। वैश्यां तत्कर्मणा जीवंतीम्। अन्यथा पौनरुक्त्यं स्पष्टमेव॥ २६८॥

याज्ञवल्कीये २६९ श्लोकः।

विशेष्यत्वादेवाह। यदा त्विति। प्रागुक्त्या पक्षांतरमाह। दश चेति। प्राग्वदाहेदं चेति। सर्वत्र संमतिमाह। यथाहेति। विरोधं परिहरति। यत्विति। अपिना पूर्वसमुच्चयः।

(उत्तरार्धः)

मूलसंगतिमाह। हिंसेति। मेवानुषंमृषभेणाहत्वेत्यादि। किंचिदष्टमुष्टि। अविरोधायाह। तथेति। मूले॥ २६९॥

याज्ञवल्कीये २७०।२७१ श्लोकौ।

तत्रान्यत्राप्याह। किंचेति। एवमग्रेऽपि। जलपत्वेन समुच्चयासंभवेन विकल्पसिद्धेराह।
मि. पृ. २९२ वेति। उपस्पर्शः स्नानं। चो द्वयोः समुच्चयः॥ २७०॥ २७१॥

याज्ञवल्कीये २७२ श्लोकः।

गुंजापरिमितं सुवर्णम्॥ २७२॥

याज्ञवल्कीये २७३।२७४ श्लोकौ।

समाहारद्वंद्वादाह। किंचेति। निहमुपह। कृच्छ्रशब्दस्य प्राजापत्ये रूढत्वादाह। कृच्छ्रेति।
मि. पृ. २९३ लक्षणबीजमाह। क्लेशेति। मात्रं कार्त्स्न्ये। उक्तं व्यतिरेकमुखेन द्रढयति। यदीति। न च। न हि। अन्यत्रापि गजशुकभिन्नेऽपि॥ २७३॥ २७४॥

याज्ञवल्कीये २७५ श्लोकः।

कोटं द्वारं। सहसंबद्ध उक्तत्वादाह। व्यवेति। अनियमादाह। स्वल्पमिति। तद्व्याचष्टे।
मि. पृ. २९२ तत्रेति। षष्ठाः कार्षापणषोडशांशः। अविरोधायाऽऽह। एतच्चेति। किंचित्सास्थातीत्यर्थः। तित्तिरेति पाठे। तित्तिरितोभिन्नोऽयम्। तितिरीतिपाठे पूर्वोक्तम्। कामतोभ्यासविषयं। एवं गजापावपि बोध्यम्। विहंगाः उपात्तभिन्ने विज्ञाते पक्षिणः। कृसरं तिलमिश्रोदनम्। लोहकंडः तीक्ष्णमयाग्रः॥ २७५॥

याज्ञवल्कीये २७६ श्लोकः ।

गुल्मा मालत्यादयः । **लता** द्राक्षादयः । **वीरुधो** गुडूच्यादयः । **ओषधयः** शाल्याद्याः । **शतमिति** इदमकामतो विरहादाह । **ग्राम्येति** । महाफलप्रदनालिकेरादिवृक्षाणां कामतस्योदनात्यंताभ्यासे संवत्सरव्रतसकलत्वात् गणे जपः । **चैत्यो** ग्राममध्यवृक्षः । **विश्रुते** प्रख्याते इत्यस्मिन्वृक्षे च इदं चापरिगृहीतविषयं च्छित्वा । परिग्रहे तु दंडाधिक्यदर्शितात्प्रायश्चित्ताधिक्यं बोध्यम् । कामतोऽत्यंताभ्यासचांद्रादिष्वेकप्रतिरोधायाह **ोपेति** ।
मि· पृ. २९५
एतदिति तत्वतुकदंशनिमित्तकमित्यर्थः ॥ २७६ ॥

याज्ञवल्कीये २७७।२७८ श्लोकौ ।

अल्पत्वादाहे**षदति** । नाभेरधोभागे आह । **ब्रह्मेति** । गिति शक्तविषयमपीदं बोध्यम् । दानेनाह । **दानेन** । पक्षांतरमाह । **गाछेति दशेति** । अतिगाहशेत्यर्थः । द्विवादशेआहोदित**मिति** । **तेनैव अंगिरसेन** । **अन्यत्रेति** व्याचष्टे । **अरजस्वेति** । **आदिना** जिह्वादि । **मनु** इति पाठः । तत्र तयोर्मध्ये । तेनेत्यस्यार्थोऽभी**ति** । **न च** । न हि । **तदुक्तं**
मि. पृ. २९६
भट्टैः । **विधेत्यस्य** यत इत्यादिः ॥ २७७ ॥ २७८ ॥

याज्ञवल्कीये २७९ श्लोकः ।

किंचेति । मंत्रजयरूपप्रायश्चित्तप्रसंगादान्यत्राप्यन्यमंत्रतपरूपप्रायश्चित्तमाहेत्यर्थः । **मनूक्त**- (५।१४६) द्वितीयाचमनं । **निंदितेति** शास्त्रीयायाशितादर्थांतरेण जीवनमित्यर्थः । विशेषाभावादाह । **तत्र चेति** । **जीवनं** वृत्तिः । **चेन** परलोको नास्तीत्यंशसमुच्चये ।

अपिना च नास्तिकवृत्तिर्वेदनिंदनं । जीवीव्यवस्थामाह । **एतद्धि** अविरोधायाह ।
मि· पृ. २९७
यत्वित्यादि । **पंचेति** पूर्वान्वयि ॥ २७९ ॥

याज्ञवल्कीये २८० श्लोकः ।

व्रतेति । स च ब्रह्मचारिणः स्त्रीसंगः । देवताराधनार्थं गृहीतव्रतत्यागः शिष्टाप्रतिषिद्धस्य भोजनव्यतिरेकेण न मया जलं पातव्यमित्यादिनियमत्यागः । प्रायश्चित्तार्थं प्रक्रांतकृच्छ्रादिव्रतच्युतिः । **व्रतं** संकल्पः । स्नातकव्रतादित्यस्य मिथ्याकरणत्यागश्चापि स व्रतलोपानां मध्ये ।

अविनिगमकत्वादा**होपेति** । योगमप्याह । **चरमेति** । **कल्पः** प्रकारः । तदाह । **पशुधर्मेति** । पशुयागे यथा वपादिहोमस्तथाऽत्रापीत्यर्थः । विशेषमा**हैतच्चेत्यादिना** । **तेन** गर्दभेन । **पाकेति** आश्वलायनादिगृह्योक्तपशुकल्पतंत्रेण परिसमूहनपर्युक्षणादीतिकर्तव्यतयेत्यर्थः । तस्य तेन रात्रीश्चमायात्मा च तैत्तिरीयकयो ब्रह्मचार्यचक्रिरेदेसीवास्यायां रात्र्यामग्निपरिष्टीकस्यादिति स्वगर्दभस्य **चीरं** वस्त्रखंडः । **यवसंवसम्** । **द्विजो** विप्रः । **मंत्रमाह** ।
मि. पृ. २९८
स्वप्ने इति । रात्राविति भावः ।

"अचितिभ्रष्टा तु या नारी माहादिचलिता ततः । प्राजापत्येन शुध्येत्तु तस्माद्वै पापकर्मणः ॥"

इत्यापस्तंबः। भर्तुरनुगमने प्ररोचितिभ्रष्टेत्यर्थः । कामत आह। **कृच्छ्रेति । खंडने** ब्रह्मचर्यखंडने। अवकीर्णिप्रसंगादाह । **यदा त्विति** । तमाह । **संन्यस्येति**। **प्रत्यनंतरं** अनवच्छिन्नं। **प्रत्यव-सितः** सन्यस्तः । **अनाशको**ऽनशनम् । अत्र संवर्तादित्रयस्य तथा शुद्धया पुनर्गृहस्थो भवतीत्यत्र तात्पर्यं । किंतु तथा शुद्ध्या पुनः संन्यासेन व्यवहार्य इत्यन्यत्र स्पष्टम् । भिक्षादे-रवरोहेण पुनर्गार्हस्थ्यकरणे प्रायश्चित्ताभाव एव ।

"आरूढो नैष्ठिकं धर्मं यस्तु प्रच्यवते पुनः । प्रायश्चित्तं न पश्यामि येन शुद्ध्येत्स आत्महेति॥" वचनादिति केचित्। उपपातकत्वात् प्रायश्चित्तं भवत्येवेत्यन्ये। सर्वथा त्वव्यवहार्यः बहिस्तूभयथापि स्मृतेराचाराच्चेति **व्यासोक्तेः** । 'नास्यास्मिंल्लोके प्रत्यापत्तिर्विद्यते कल्मषं तु निर्हण्यते' **इत्याप-स्तंबाच्च** (ध. सू. १।२४।२५।२६) ।

"नैष्ठिकानां वनस्थानां यतीनां चावकीर्णिनां । शुद्धानामपि लोकेऽस्मिन्प्रत्यापत्तिर्न विद्यते॥" इति। वचनांतराच्च । **नास्येति** । अत्रोज्वलः । अश्वमेधावभृथादिषु संभवत्स्वपि अस्य अस्मिन् जीविते प्रत्यापत्तिः शुद्धिर्नास्ति इत्यर्थः । मृतस्य तु कल्मषं निर्हण्यते तेन पुत्रादिभिः संस्कारादि कर्तव्यमिति भावः । अन्ये तु पूर्वसूत्रं तन्निवृत्त्यर्थं मन्यन्ते प्रत्यापत्तिः पुत्रादिभिः पुत्रादिभावेन संबंध इति ।

तत्र त्रयाणां मध्ये क्षत्रियादेः संन्यासाभावे आहाऽ**थवेति । मरणेति** पामादानामित्यर्थः । तथा च **प्रजापतिः**। तत्र परमहंसो नाम नदीपुलिने श्मशानदेशे तृणहरितशाद्वलेषु शयाने सुखं कुश्चीरकौपीनकषायवान्यस्तु प्राणान्परित्यजति स परमहंसो नामेति मरणान्निर्वृत्तानामिति भावः । प्रायो महाप्रस्थानम् । **शस्त्र**पदमुपलक्षणमित्याहा**शास्त्रीयेति** । **द्रष्टव्यं इति** । इदं च शस्त्रादिना आत्मव्यापादनेनमैवं पापक्षेजीवनस्तु (?) तेषामेव बोध्यः । एतच्च तत्तज्जात्युचितप्रायश्चित्तेन जातिशक्त्यापेक्षया समुच्चितं बोध्यम् । अविनिगमकत्वादाहा**थवेति** । **विति** ।

"चितिभ्रष्टा तु या नारी मोहाद्विचलिती ततः । प्राजापत्येन शुध्येत्तु तस्माद्वै पापकर्मणः॥" **इत्यापस्तम्बः** । भर्तुर्गमने चितिभ्रष्टेत्यर्थः ।

एवं प्रासंगिकं परिसमाप्य प्रकृतमाह । **इदं चेति** । तत्र गुरुदारादौ विकल्पं निराचष्टे । **न चेति** । समुच्चये निराचष्टे । **न चात्रेति** । आधिक्यं सत्वादाह । **सममिति** । **कृच्छ्रेति** शाकपार्थिवादिः । क्वचित्सत्वेऽप्याह । **नियम इति** । उक्तसिद्धांते शंकते तुमित्यादिना।

मि. पृ. २९९. **पुत्रिका** प्रागुक्तलक्षणलक्षिता । **वृत्तिर्जीवनम्** । शंकातात्पर्यमाहाऽ**त इति** । समाधत्ते **तदसदिति** । उक्तं द्रढयति । **न चेति** । न हीत्यर्थः । पुरस्तात् आचारसिद्धांत-मुपसंहरति । **तस्मादिति** ॥ २८० ॥

याज्ञवल्कीये २८१ श्लोकः ।

अनुपपेति उपपातकभिन्ने इत्यर्थः । अन्ये त्वयुक्तप्रायश्चित्तापेक्षया ब्रह्मचारिण एवेति भावः । "एककालमेकाहो वा त्यागे" **हारीतोक्ते** "ब्रह्मचारी संध्यामनुष्योपस्थितसावित्र्याः सहस्रपुरोदित्यमुपतिष्ठेत । उपक्रम्याग्निकापव्राजपत्याहुत्वातीतं संपाद्योपस्थितं कुर्यादहन्यतीतो निर्पलव्रतपतीभ्यामिति" । उपस्थितः कृतस्त्यापस्थानो वा अग्ने व्रतपते इति व्रातपती अतीतव्यभि-चारादिके उपस्थितः क्रमप्राप्तसूर्योपस्थाने वा अहन्यतीते एकदिनात्यजे "पुनर्मनः पुनरायुर्न"

१ एवं मूले । व्यापादनमिति युज्यते पाठः ।

इति मंत्रादि न दूयादित्यागे । एतदेव द्विगुणादिसप्तरात्रे पर्यंतं तदनंतरप्रकीर्णिव्रतं मानससतेति- पूर्वान्वयः । **अभीति** सुप्तोदिते सुप्तास्तमितेत्यर्थः । अग्न्यसमिति एककालयज्ञोपवीतादिनाशे प्रायश्चित्तानि यथासंभवस्यादिरपि बोध्यानि । आचार्याय प्राणानीयम्य देशकालौ स्मृत्वा " मम शौचाचमनसंध्यावंदनदर्भभिक्षाग्निकार्यदारित्यशूद्रादिस्पर्शनकौपीनकटिसूत्रयज्ञोपवीतमेखलादंडा- जिनत्यागदिवास्वापछत्रधारणपुटकाभ्याशेहयाआत्माधारणोद्वर्तनांबुलेपनांजनजलक्रीडाद्यूतनृत्यगीत- वाद्याद्यनिरतिपाखंडादिसंभाषणपर्युषितभोजनादिब्रह्मचारिव्रतलोपसकलदोषपरिहारार्थं श्रीपरमेश्वर- प्रीत्यर्थं कृच्छ्रत्रयम् अहमाचरिष्ये " तेन श्रीपरमेश्वरः प्रीयताम् । अद्यपूर्वोच्चरित एवंगुण- विशेषणविशिष्टायां पुण्यतिथौ मम शौचाचमनादिब्रह्मचर्यादिव्रतलोपंजपकलारिष्टनाशार्थं प्राय- श्चित्तं करिष्ये । लौकिकाग्निं प्रतिष्ठाप्यान्वाधानं कुर्यात् । अत्र प्रधानं । अग्निं वायुं सूर्यं प्रजापतिं अग्निं पृथिवीं महांतं वायुं पृथिवीं महांतं आदित्यं द्युमहांतं चंद्रमसं नक्षत्राणि दिशो महांतं अग्रदानसं विश्ववेदसं मांविभावतुं प्राप्तं क्रतुं अग्निं अग्निं अग्निं वायुं सूर्यं प्रजापतिं एताः प्रधान- देवता आज्येन शेषेण स्विष्टकृतमित्यादि आज्यभागांते कृत्वा व्यस्तसमस्तव्याहृतिभिर्हुत्वा 'ओं भूरग्नये च भुवो वायवे चांतरिक्षाय च । सुवरादित्याय च । भूर्भुवस्सुवश्चंद्रमसे च । पाहिनो अग्न एनसे । पाहि नो विश्ववेदसे । यज्ञं पाहि विभावसो । सर्वं पाहि शतक्रतो । पुनरूर्जानिवर्तस्व । सहरय्यानिवर्तस्व । पुनर्व्याहृतिभिर्हुत्वा स्विष्टकृतादिहोमशेषं समापयेत् । इति ब्रह्मचारिव्रतलोप- प्रायश्चित्तं माहानाम्न्यादिव्रतचतुष्टयलोपजनितसर्वारिष्टनाशार्थं प्रत्येकं कृच्छ्रत्रयं तथा गौदानिकव्रत- लोपजनितसकलारिष्टनाशार्थं प्रत्येकं कृच्छ्रत्रयं एवं अष्टादशप्राजापत्यात्मकं प्रायश्चित्तं यथाप्रत्या-

मि. पृ. ३००. म्नाज्यद्वारा आत्मकरिष्ये इति ।

याज्ञवल्कीये २८२ श्लोकः ।

किंचेति । अन्यदपि ब्रह्मचारिणस्तदाहेत्यर्थः । मधु माक्षिकं । पौनरुक्त्यं परिहरति । **द्वादशेति** । एवमन्यास्वपि उक्तवक्ष्यमाणासु सर्वासु स्मृतिषु बोध्यम् । प्रागवदाह ! **सर्वेषु** । **मात्रं** कात्स्न्र्ये । **तदिति** लशुनादीत्यर्थः । **येन** "लशुनादि नाहं तथा भक्षयेदिति' शेषः । **स** प्रोक्ता । **उपसौ कृतौ** । "उपनताविति" पाठांतरम् । ब्रह्मचारिण एवाहऽना- दिति ॥ २८२ ॥

याज्ञवल्कीये २८३ श्लोकः ।

उत्तरार्धार्थमाह । **इतिश्चित्तांतरेति** । उपपातीह प्रायश्चित्तान्योक्तप्रायश्चित्तेत्यन्वयः । **पृथक्- चेति** । कृच्छ्राणि चतीवकुर्यात् । युक्त्यन्तरमप्याह । **यदाति** ॥ २८३ ॥

याज्ञवल्कीये २८४ श्लोकः ।

तत्स्वरूपमाह । **अब्लोति** । **शुद्धवतीः** । शुद्धपदोपेताः ॥ २८४ ॥

याज्ञवल्कीये २८५ श्लोकः ।

मि. पृ. ३०१. **ततः** । उपपातकात्कचित्तथा पाठ एव ॥ २८५ ॥

याज्ञवल्कीये २८६ श्लोकः ।

ननु कथं मनोरभिशस्तविषयत्वमा । **अपांक्त्यानामिति** ॥ २८६ ॥

याज्ञवल्कीये २८७।२८८ श्लोकौ।

किंचेति। प्रसंगादन्यस्यापि तदाहेत्यर्थः। एवमग्रेऽपि। अविनिगमकत्वादाह। **ज्येष्ठेति।** अपिना तत्रैव रजस्वलायामेव क्षोणीसंगादाह। **रजस्वलाद्दीत्यादि।** तमाह। **रजस्वलेति।** मि. पृ. ३०३ दिनभेदेन तदेवाह। **प्रथम इति। तेनैव बौधायनेनैव।** क्षपेदातिका-नंदन इति मनायाः रजस्वलायाः रजस्वलयोः। **रजस्त्री** तद्युक्ता स्त्री कथंचित् स्पष्टयति। **स्नातेति।** मि. पृ. ३०४ मलमूत्रादेरित्यर्थः। संगत्यर्थमाह। **एवमिति।** तत्र प्रकृतानामुपपातकानाम्। **अवकीर्णिनं** व्रतलोपश्चेत्यनंतरप्रतिश्रयो महादिः उद्यानागामा ये ग्राम्यारण्ये च कृतो भेदः। **प्रपा** पानीयशाला। अनापद्यनेकपुत्रस्याह। **कामतस्त्विति।** अनापदि कामत इति भावः। कामतोऽनापद्यनेकपुत्रस्य तद्विक्रये चांद्रम्। आपद्येकपुत्रस्य कामतस्तद्विक्रये चांद्रद्वये सुतविक्रयश्च दारार्थेन। एवमात्मभार्याविक्रयोऽपि ॥ २८७ ॥ २८८ ॥

याज्ञवल्कीये २८९ श्लोकः।

व्रात्यपदार्थमाह। **सावित्रीति।** प्राग्वदाह। **प्रभृतीति।** विशेषमाह। **एतच्चेति। षट्सु** अग्नेरादिषु। **परोऽसपिंडः शूद्रो** वा। तत्राद्ये आहात्यंतेति। द्वितीय आह। **शूद्रेति।** सकृत्करणेऽपीति भावः। अन्यत्र तु

"यत्रोक्तं यत्र वा नोक्तं महापातकनाशनम्। प्राजापत्येन शुद्धिः स्यात्तथा चांद्रायणेन वेति" ॥

द्विगुणादि बोध्यम्। यस्तु तेनैवाजीवति तस्य निंदितार्थोपजीवनप्रयुक्तमापत्प्रायश्चित्तं सति संभवे। असंभवे तु तस्य त्याग एव। एवं च यः पितृपितामहादिपरंपरया तथा जीवति स तु सुतरां संसर्गानर्ह इति बोध्यम्। लोकशिष्टत्वं गीतत्वमपि तत्राधिकं बोध्यम्। तेनापि निषेधकल्पनेन प्रायश्चित्तातिरेकस्य दर्शनादेवं च सर्वथा त्याज्य एवेति भावः। अभिचारोऽनभिचरणीयस्य तत्काम। तथा मौलमकामविषयव्यवस्थामेवाह। **तत्रेति।** तेषां मध्ये इत्यर्थः। **एते शूद्रयाजकादयः। पंचतपः** पंचाग्निः। स चेदन्यत्र प्रयोगः। **सहस्रवाक्।** सहस्रावृत्तिः। सहस्रशब्दो बह्वर्थस्तत्फलितमाह। **बहुश इति।** प्रकृतत्वादाह। **प्राकृतमिति।** संवत्सरमित्यर्थः।

उत्तमपादार्थमाह। **यश्चेति। शरणेति।** परित्राणार्थप्रायश्चित्तार्थवति भावः। **सोऽपि** मि. पृ. ३०५. द्विविधोऽपि। पर्व संक्रांत्यादि। प्राग्वदाहोत्कुर्वीतेति। शवश्रावणे तत्संनिधिपाठः। अत्र दक्षिणात्यागमधिकमाह। **दक्षिणेति।** सर्वत्र लब्धद्रव्यस्य जले त्यागपूर्वकमेव प्रायश्चित्तानुष्ठानम्।

विशेषमाह। **यद्वेति। त्रिरिति।** प्रतिदिनं स्नानत्रयं। पक्षांतरमाह। **ग्रामांतरमिति।** सर्वत्र तदानीमेवाध्ययनविरामेन प्रायश्चित्तमिति केचित्। अथाग्रिममाह। **पित्रिति।** त्यागश्चापतितानां। तेषां गृहात् निष्काशनम्। तत्राद्ये विशेषमाह। **तत्रेति।** परित्यक्तेति सृजंतमाहस्तु। एतैरपि दोषैरत्याज्यमेव सर्वथा लक्षणरूपमायासुतत्यागेऽप्येवम्।

द्वितीये तमाह। **तडागेति। कौटिल्यमगुरौ।** पूर्वतो भेदमाह। **शिष्टेति।** देवताराधनार्थागृहीतव्रतलोपे अन्यस्मिन्व्रतलोपे चेत्यर्थः। क्रियापाक इत्याह। **पाकेति। मद्यपेति।**

१ एवं मूले।

मद्यपायाः स्वस्त्रियोऽप्युपभोगरूपे इत्यर्थः। **व्यसनेति**। नास्तिक्यादित्यापि बोध्यम्। **तेनैव** मि. पृ. ३०६. **वसिष्ठेनैव**। प्राग्वदाह। **द्वादशेति**। **तत्रैव भारद्वाजेनैव** सर्वत्र "यावत्कालमहोमस्तावत् द्रव्यं देयं सुतेति" संस्काराद्यकरणरूपे चेत्यर्थः। **स्त्रीति** भार्याभावेऽस्यात्वकरणेन **तद्धनोपजीवनं** स्त्रीजीवनम्। प्राणिवधेन जीवनं **हिंसा**जीवनं। वश्यार्थौषधिभिजीवनरूपं चापि तद्बोध्यम्। **व्यसनेषु** अष्टादशसु। आरोपके भावे णमुल्। **रंगोपजीवी** वंदी **आत्मेति**। [illegible] परदास्यकरणरूपे इत्यर्थः। शूद्रप्रेष्यार्थमाह। **शूद्रेति**। **ब्राह्मेति** मि. पृ. ३०७. उभयान्वायिनिर्देशः। प्रायश्चित्तं संख्यमैत्रीहीनयोनिनिषेवणं द्विविधमकृतसवर्णाविवाहस्य हीनवर्णाविवाहः साधारणस्त्रीरूपवेश्यादिभोगश्च। तत्राऽद्ये आहाऽपेति। **राजन्यापूर्वी** सवर्णास्त्रीपरिणयनं विना क्षत्रियकन्यापरिणेता। एवमग्रेऽपि। द्वितीये आह। **साधेति**। विशेषमाह। **तत्र चेत्यादिना**। **अभ्यास इति**। अयमर्थः। मासपूर्तेः प्राक्त्रिंशद्दिनपर्यंतप्रतिसत्रिगमनस्य त्रिचतुराभ्यासेऽपि नाभ्याससंख्यया प्रायश्चित्तावृत्तिसंख्याऽपि तु पूर्वदिने आवृत्तिसंख्यैव द्वितीयदिनमारभ्यैकोनत्रिंशद्दिनपर्यंतगुणितसकृद्गमनप्रायश्चित्तावृत्तेः संख्या एकत्रिंशत्तमदिष्टं तु माससंख्ययैवाधिक्यवर्षपर्यंतम्। द्वितीयादिवर्षे तु वर्षसंख्याभिरेव प्रायश्चित्तसंख्याभिरेव प्रायश्चित्तसंख्याभिवृद्धिरिति। तथा च योनियोगेन वर्षत्रयं नैरंतर्येण प्रत्यहं चतुरावृत्त्या व्यभिचारितां ब्राह्मणीं गच्छति तस्य प्रथमदिने प्राजापत्याष्टके द्वितीये प्राजापत्याष्टकं तृतीये चैवमिति रीत्या मासपर्यंतं चत्वारिंशदाधिकद्विशती प्राजापत्यानां प्राप्तौ तत्राहर्गुणा वृद्धिरित्यनेन प्रथमे प्राजापत्यद्वयस्य सकृद्गमनप्राप्तस्याहर्गतद्वित्वसंख्यागणनात् द्वितीये प्राजापत्यचतुष्टयं तृतीये प्राजापत्यषट्कमिति रीत्या द्वितीयदिनादारभ्यैकोनत्रिंशद्दिनपर्यंतं दिनगणया षष्टिप्राजापत्यानि प्रथमदिनस्याष्टौ चेति मासाभ्यासिनोऽष्टषष्टिप्राजापत्यानि प्रायश्चित्तानि द्वितीयादिमासेषु माससंख्यया व्यादिरूपमासकृद्गमनप्राप्तप्राजापत्यगतद्वित्वसंख्याया गणनाच्चतुष्टे लब्धेऽष्टषष्ट्यासंकलने द्विसप्ततिचतुःसप्ततिप्रभृतयस्ते भवंति पूर्णे वर्षे द्विनवति द्वितीये वर्षे षण्णवतिः तृतीये द्विसंख्याधिकशतसंख्यास्ते भवंति। एवमन्यत्रापि बोध्यम्।

[illegible]। प्रागुक्ते एव विषये सकृत्कृते एकं प्राजापत्यं प्राप्तमिति दिनत्रयं चतुरावृत्त्याऽभ्यासतो द्वादशप्राजापत्याः प्राप्तास्तत्र दिनसंख्ययैव सकृद्गमनप्राप्तैकत्वसंख्याया गुणने कृते सति निष्पन्नसंख्याप्रायश्चित्तस्य त्रिदिनपर्यंतं वृद्धेरुक्ततया प्रथमादिचत्वार एव द्वितीयादिने द्वौ तृतीये त्रय इति मिलित्वा नव प्राजापत्या मासमभ्यसतो द्वादशषण्मासमभ्यासात्द्वाविंशतिः। वर्षमात्रमभ्यसतः सप्तत्रिंशत् वर्षत्रयमभ्यसतः सप्तपंचाशत् एतदुत्तरं प्रतिवर्षं सार्धद्विसंख्यया वृद्धिमाश्रित्य प्रायश्चित्तं कल्प्यम्। यदि तु प्रथमदिनेऽप्यभ्याससंख्याया दिनसंख्यापराधः स्वीक्रियते तदा पूर्वत्र षट्संख्यायाः परत्र त्रिसंख्याया ह्रासेनोक्तैव संख्या तत्र तत्र वाच्येति। अत्र द्वितीयोपपत्तिश्चिंत्या। पंचदशतद्गुणं विंशादित्यार्षशीघ्रस्य व्रतमिति शेषः। एवमग्रेऽपि। एवमुपपत्तिकाभ्यासे तु प्रकारविशेषोसर्वत्र बोध्यः।

अनाश्रम इति। अगृहीताश्रमत्वमित्यर्थः। परात्र परिपुष्टतेत्यस्यार्थः। **परेति**। **असदिति**। [illegible]भ्यास इत्यर्थः। **आकरेति**। स्वर्णाद्युत्पत्तिस्थानेषु राजाज्ञयाधिकारित्वमित्यर्थः॥ २८९॥

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१ एवं मूले।

याज्ञवल्कीये २९० श्लोकः।

मूलसंगतिमाह। **भार्याया इति**। **आदिना** जातिभ्रंशकरादिक्रमेणाह। **यथेति**। एव- मि. पृ. ३०८ मग्रेऽपि। स्वरूपनिबंधनमप्याह। **तथा प्रतीति**। व्यवस्थामाह। **यद्वा त्वित्यादिना**। मासभ्रमनिवारणायाह। **प्रत्ययमिति**। देवीमायगीतत्सत्वेनाधिकार इत्याह-। **इदं चेति**। सूति द्रव्यगृहीते इति शेषः। त्यागश्चाप्सु प्रक्षेपः। कस्मैचिद्दानं वा। उपसंहरति। **एवमिति**। एकतरनिमित्तके तु त्यागप्रायश्चित्तयोर्विकल्प इत्याहुः। एकस्यैवानेकैः प्रतिग्रहे तु न दोषः। षोडशमहानादान्यसत्प्रतिग्रहः शस्त्रविषब्रह्मांडाश्वशालग्रामतिललोहानां मृतशय्याहंकार- वस्त्रादिजातित्वधेचाशुप्रतिग्रहोऽप्यसन्नवश्राद्धमासिकश्राद्धगजच्छायासुभोजनमपि। तथा तीर्थे प्रतिग्रहाविघातयाहीनेन प्रतिग्रहोऽपि तथा उत्तमद्रव्यप्रतिग्रहश्च। उत्तमत्वं च मूल्यतो वचनाच्च। तत्र देवविप्र एव द्रव्यमुक्तमभूसरस्वत्यस्तथेति **छांदोग्ये** "अन्नदधिमधुषणगोभूरुक्माश्वगजा उत्तमा" इति। **देवल** "रत्नक्षेत्रवेश्महेमकोप्याभरणानि च मृतशय्यादिप्रतिग्रहे पुनःसंस्कारो- ऽप्यधिक" इति बोध्यम्॥

संगत्यर्थं स्वयमाह। **जात्येति**। **आदिना** स्वभावादि निंदितान्नादयेऽन्नमहनीयमात्रं तस्य निंदितत्वं स्वभावकालसंपर्कक्रियाभावपरिग्रहैः स्वभावान्नशुभादेहकालतः पर्युषितादेः संप- र्कात् श्वस्पृष्टादेः क्रियोतो हस्तदानादिना व्यंजनादेः भावादिक्षुरसादेः भवति हि कस्यचिदिक्षु- रसे मंदिरे च मितिभावः। परिग्रहात्पतितादेरिति बोध्यम्। **च शब्देति**। चकारेणेत्यर्थः। **तत्र** तेषां मध्ये। मूलमाह। **पलांडुमिति**। तदेवाह। **निषिद्धमिति**। अत्र मानमाहाऽ**मत्येति**। **एतानि** शूद्रादीनि। **शेषेषु**। छत्राकादिषु। अन्येषु वार्ताकादिषु। "वार्ताकं श्वेतकंडूरं श्वेत- वृंताकमिति" **देवलात्**। **व्रश्चनप्रभवा** लोहिताः। लोहितान्नाक्षनिर्यासानिति **स्मृतेः**। **गोब-** मि. पृ. ३०९. **लीति**। ब्राह्मणवसिष्ठेत्यपि बोध्यम्। **गृंजनं** विषदिग्धबाणाहतमृग- मांसमिति कश्चित्। **कलिंजमिति** तन्नामेति प्राच्याः। नाजरारंत्यमूलं यदीयं चूर्णं गायकाः कंठशुध्यर्थं भक्षयंति विटाश्च मंदार्थं स पत्रविशेषो वेति **माधवः**। लशुनानुकारिसूक्ष्मनालः कंदविशेष **इत्याचार्यैः** प्रागुक्तम्। **पराशरोपि**

"पीयूषं श्वेतलशुनं वृंताकफलगृंजनम्। पलांडुं वृक्षनिर्यासं देवस्वं कवकानि च॥
"उष्ट्रीक्षीरमवीक्षीरमज्ञानात्पिबते द्विजः। त्रिरात्रमुपवासेन पंचगव्येन शुध्यतीति॥"

पीयूषोऽभिनवं पय इति तस्य तत्वं चप्रसवकालिकत्वमित्येके दशाहांतःपातित्वमित्यन्ये। **श्वेतत्वं** लशुनवृंताकान्वायि। तेन रक्तलशुनाशे कृष्णवृंताकादौ न दोषः। **वृक्षविशेषो** हिंगुकप्लक्षादिभिन्नस्तेषां भोज्यत्वाभ्यनुज्ञानादिति **माधवः**। एतानि लशुनादीनि। **प्रकारः** सादृश्यम्। उन्दंति कुशैः प्रायश्चित्तांते पुनः पुनरुपनयनेषु सर्वत्र तत्र च न स्वाध्यायादिकाला- पेक्षा वपनमेखलादंडभैक्षचर्यादीनि च न **संधिनी** वृषेणोपजिगमिषुः।

"स्त्रियाः क्षीरं द्विजः पीत्वा कथंचित्काममोहितः। पुनः संस्कृत्य चात्मानं पंचगव्येन शुध्यतीति॥" तु **कामतोऽत्यंताभ्यासविषयम्**। **अमेध्यभक्षेतिदावत्** अनिर्दशाहं तान्यपि एणादिपयास्य- **विप्राश्य स्यंदिनी स्रवत्क्षीरा**। **आदिना** असंस्कारदुष्टमांसम्। तथा चाभक्ष्यमासं **द्विविधम्**।

स्वभावदुष्टम् संस्कारदुष्टं च । तत्राद्यं विट्शूकरादेः । द्वितीयमनुपाकृतमांसानीति **मनूक्तेः**। सूला वधस्थानं तत्र भवम् । **वल्लूरं** शुष्कमांसम् । **जग्ध्वा मांसमिति** । "अभोज्यानां तु भुक्त्वान्नं स्त्रीशूद्रोच्छिष्टमेव चे"त्यस्यादिः । विशेषमाह । **इदं चेति** । **एतदिति** । कृष्णाद्यर्हीत्यर्थः । **कूष्मांडैस्तन्नामकमंत्रैः** । **पार्षत**श्चित्रमृगः । **मूत्रपुरीषे** गोसबंधिभिन्ने । **पंचेति** । शशाद्यन्ये औष्ट्रं गव्यं च मांसं साहचर्यात् सर्वं पांचनखं शशाद्यन्यपंचनखसंबंधिमांसमूत्रादि ।

मि. पृ. ३१०

न्यूनतां परिहरति । **अत्रेति** । स्नानं तेषामपि अत्राभ्यासवर्जिते सर्वत्र एतद्दिनं घृतप्राशनं पुनःसंस्कारश्च समुदितभक्षणाभ्यासे तु षाण्मासिकं सांवत्सरं वेति **प्राच्याः** । भक्ष्याणि च शशकाद्यः । पंचैव पंचनखाः । मत्स्येषु सिंहतुंडिकरोहितपाठीनराजीवाः सशल्काश्च सर्वे महिषाऽजाऽविउरभ्ररुरुमृगाः पशुषु तित्तिरिमयूरलावकपिंजलवार्ध्रीणसवार्तिकाः पक्षिष्वित्याहुः । **अनंतरं** । तावन्मात्रोद्धरणानंतरं स्वयं जलं स्पृशेत् । तच्च शिष्टं च हस्तस्थमेव भूतं त्यजेत् । मुखस्थं निष्ठीव्य घृतं प्राशयेन्भक्षणप्रक्रमादाह । **प्रासंगीति** माहारः अनेनाहारांतरनिवृत्तिः तमसः क्लेशरूपत्वात् । एव मंत्रे पंचगव्यप्राशनेपि बोध्यम् । उपसंहरति । **एवमिति** । प्रकृतत्वादाह । **पावकेति**। **ब्राह्मेति** । तदीयोच्छिष्टेत्यर्थः । उच्छिष्टमंत्रे भोजनपात्रे भुक्तशेषं अन्याः सपिंडाः भुक्तशेषं पाकपात्रावशिष्टमुच्छिष्टेति भोजनपात्रस्थभुक्तशेषेत्यर्थः । संनिकृष्टे इत्यस्यार्थो **महेति** । **अवधूतः** । भ्रष्टदिगंबरः । तृतीया सहार्थे । ततः कुर्यात् **चंडालेति** । तत्खानितेत्यर्थः । वर्णे वर्णे चातुर्वर्ण्ये इति पाठांतरम् । चंडालादीति अन्त्यरेशंनिततत्परिगृहीतेत्यर्थः । तत्रैवाह । **शुष्केति** । **तोये तु** । तत्पाने तु । **ब्रह्मेति** । ब्रह्मकूर्चसहितत्रिरात्रोपवासैरित्यर्थः । घटके च । **सौरे** सुरासंबंधिकलशे । वाग्दुष्टं क्षुधार्तश्च न को भुंक्ते मामकत्वदन्नमेव हि ब्रूते यशोर्थं यस्त्वेवं तत्कास्त्रिगाऽस्थिरिदं कस्य दीयते क्रियते न वा इत्युक्त्वा दीयते यच्च द्वितीयभावदुष्टे आह । **शंकायामिति** । त्रिरात्रमित्युभयान्वयि । तृतीयपक्षमाह । **पलाशेति** । तृतीयार्थे द्वितीयाभिः क्राथयित्वा यः पिबेदित्यर्थः । शुक्तानि कालवशादम्लतां गतानि । रुचीषपक्वं भौमोष्मपक्व माम्रादि । **समूहेति** । ग्रहणकालभोजनमित्यर्थः । अमेध्यान् । अन्यान् । यने इति द्विवचनं । **यस्येति** । शेषे षष्ठी । पलाशो वल्ली पलाशो मध्यमपर्णं वा । **लभते चांद्रकफलं** । लभेच्चांद्रायणफलमिति पाठांतरम् ।

"घृतं हीनं तु यो भुंक्ते नर एवाहुतिपंचकम् । पश्चात् घृतेन भुंक्ते भुक्त्वा चांद्रायणं चरेत् ॥" इति । **मनुः** । **फालितं** । राव इति प्रसिद्धम् । **तेनैव क्रतुनैव** ।

नाद्यासंवित् कन्यायां अश्लेषांतग्रहपिता । " अथ भुंक्ते तु यो मोहात्कृच्छ्रं सांतपनं चरेदि "त्यापस्तंबः । अप्रसवितृकन्या अप्रसूता कन्या । अथ श्राद्धभोजने आह । **पित्रादीत्यादिना** । **वृद्धौ** वृद्धिश्राद्धे । **अस्वरूपे** । गुणशीलादिभिरसमाने दशाहाहं नवानि तत ऊनाब्दांतं नवमिश्रामिसपिंडतां मिश्रं ततः पुराणानि साहित्यस्याविवक्षितत्वात्ताभिः सहभोजनांतेषु अन्यतरत्कुर्वतो मासि प्राजापत्यं

मि. पृ. ३१४–३१५.

१ एवं मूले । सूना वधस्थानं तत्र भवम् इति शुद्धः पाठो भाति ।

प्रत्येकं ज्ञेयम् । एवं संवत्सरेऽपि कल्प्यम् । द्विगुणं त्रिगुणादितद्भावं मंनिगच्छतीत्यनेन प्रायश्चित्ताभाव उक्त इति । **जगत्प्रमोदय**व्याख्यापाठो मौल एव । हास इति । मात्रमधिकं मासोऽपि त इत्यादानुषितपदोपादानान्मासादिना तस्यैवेदं प्रायश्चित्तं बलात्कारकारितगोमहिषोच्छिष्ट-भोजनस्त्रीसंभोगादिप्रायश्चित्तैः सह समुच्चीयते कल्प्यं । ततः **संवत्सरगुणेति** । तच्च न नुसारादिति शेषः । मयूखेपि मौलपाठं लिखित्वा शूलपाणिस्तु संवत्सरैश्चतुर्भिरित्यादि दुरात्म-इत्यंतोपपाठः प्राजापत्यचांद्रायणादिमासं मासमात्रे गवादिहिंसायां प्रातिस्विकं तत्तत्प्रायश्चित्तमेवा-

मि. पृ. ३१७ कामतो विहितं ज्ञेयमित्युक्तं । योग्यतया आह । **ब्राह्मणेति** । तत्र मानं **विष्णु**माह । **ब्राह्मेति** । **तेनैव** । **लिखितेनैव** । ददाति दानं देवताः देवपितरः । विशेषमाहेदं **चेति** । **कदंबकः** । समूहः । सर्वशेषं किंचिदुच्यते । कापालिकान्नं भोजने तज्जलं पाने च कृपा च कामं तदर्धं च अभ्यासे द्विगुणं मत्या च प्रत्याभ्यासे चतुर्गुणं ततस्त्रीगमने चैत अत्यंताभ्यासेऽब्दे कृच्छ्रम् । तथा **चापस्तम्बः**

"कापालिकान्नं भोक्तॄणां तन्नारीगामिनां तथा । ज्ञानात्कृच्छ्राब्दमुद्दिष्टमज्ञानादैंदवद्वयमिति "॥

पतिताच्च इच्छे च सति तत्समुत्सृत्यातिकृच्छ्रं अन्नसत्रप्रवृत्तस्याग्निहोत्रिणश्चामे न दोषः । पक्वान्ने त्वेकरात्रं त्रिरात्रं वा पावकं द्वादशचतुर्विंशतिर्वा प्राणायामाः चंडालाद्यन्नभक्षस्याद्यभ्यासे **मनुयमौ** (५४).

"चंडालांत्यास्त्रियो गत्वा भुक्त्वा च प्रतिगृह्य च । तत्त्वज्ञानतो विंशे ज्ञानात्साम्यं तु गच्छति ॥
"रजकश्चर्मकारश्च नटो बुरुड एव च । कैवर्तमेदभिल्लाश्च सप्तैते **अंत्यजाः** स्मृताः ॥
"एतेषां च स्त्रियो गत्वा भुक्त्वा च प्रतिगृह्य च । पतत्यज्ञानतो विप्रो ज्ञानात्साम्यं तु गच्छतीति"॥

प्रतिगृहवासभोजनतद्दत्तप्रतिग्रहेषु ज्ञानाभ्यासे मासोपवासः पंचदश धेनवो वा अज्ञानाभ्यासे वाशिष्टनियमभंगादिमूलफलपत्रादशिते उपवासः ।

अथ सूर्यसोमोपरागयोर्विद्यमानाग्नेः सोमयाजिनः कर्तव्यमाह **देवलः**

"सूर्यसोमोपरागे तु सोमयाज्यग्निहोत्रवान् । गार्हपत्ये समिद्धेऽग्नौ स्रुवा हुत्वा विधानतः ॥
"सूर्यसोमोपरागेषु स्नात्वायाजी प्रयच्छति । मोक्षस्नानं पुनः कृत्वा मौनमास्थाय सत्वरः ॥
"गार्हपत्यं समिद्भिश्च प्राज्वाल्पयाज्य स्रुचोद्वहन् । सूर्योपरागे जुहुयाद् उदुत्यं चित्रमित्यृचा ॥
"उपस्थाय ततः पश्चात् नत्वा स्तुत्वा विसर्जयेत् । एवं कृत्वा तदायाज्या सूर्यलोकमवाप्यते ॥
"सोमोपरागे जुहुयात् आप्यायस्वेतिमंत्रतः । सं ते पयांसि च पुनः हुत्वा चाज्याहुतिद्वयम् ॥
"ततः शुद्धिमवाप्नोति सोमयाजी महानिह । एवं कृत्वा तदायाजी सोमलोकमवाप्नुयात् ॥"

जाबालिः

"ग्रहणे चोभयो राजन् अग्निवीर्यक्षयं गतः । राहुस्पर्शे तयोः पीडा ह्यग्नौ संक्रम्य तिष्ठति ॥
"सोमेयाज्यष्टमूर्त्यंशात्पुष्पवंतो यथा नृप । अतो होमः प्रकर्तव्यो यज्वभिर्यत्नतो नृप ॥
"आत्मनश्चाग्निहोत्रस्य पुनर्वीर्यबलात्यये" । सोमयाजिनस्त्वष्टमूर्तित्वमस्तीत्युक्तम् ॥

तदेवाह **भविष्योत्तरपुराणे**

"पृथिवी सलिलं तेजो वायुराकाश एव च । सूर्याचंद्रमसौ सोमयाजिनस्त्वष्टमूर्तयः ॥"

इति हेमाद्रिविरचिते सूर्यसोमोपरागयोर्यज्वनिः कर्तव्याशप्रायश्चित्तम् ।

अथ सोमपानप्रतिग्रहप्रायश्चित्तमाह **देवीपुराणे** ।

"सोमं पिबेद्द्विजो यस्तु ह्यज्ञानकुलनामभिः । सार्कं यज्ञेषु मोहात्मा स वृथा ब्राह्मणस्मृतः॥" व्यर्थनामधेयः । घृतकोशगुह्यं वंतादिवत् ।

"तस्यैव निष्कृतिर्नास्ति पुनःसंस्कारणादृते । पश्चाच्चांद्रायणं कुर्याद्वापयित्वा शिरोरुहान्॥" एतज्ज्ञानकुलगोत्रनामहोतृभिः सह सोमभक्षणविषयम् । सबंधुभिः सह पीत्वा प्रायश्चित्तमाह **कूर्मपुराणे**

"बंधुभिः सह मोतोता पीत्वा सोममहाक्रतौ । स्वमंत्रोच्चारणं कृत्वा त्रिवारं शुद्धिमाप्नुयात्" ॥ स्वमंत्रनेचरिहितारि च कर्मणि नियुक्तः । तत्र ये मंत्रास्तान् त्रिरुच्चार्य पश्चाच्छुद्धिमवाप्नोति स्वबंधवाः । **स्कंदपुराणे** ।

"सकुल्यश्च सनाभिश्च सपिंडश्च सगोत्रवान् । मातुलस्नेहपुत्रस्वभावुक्रो दुहितापतिः ॥

"श्वशुरस्नेहपुत्रश्च भागिनेयस्तथात्मजाः ।

"पितुःपितुः स्वसापुत्राः पितुर्मातुः स्वसुः सुताः । पितुर्मातुलपुत्राश्च विज्ञेयाः पितृबांधवाः ॥

"मातुः पितुस्वसुः पुत्रा मातुर्मातुः स्वसुःसुता । मातुर्मातुलपुत्राश्च विज्ञेया मातृबांधवाः ॥"

समानकुलं यस्य सः सकुल्यः । त्रिपुरुषादूर्ध्वं समाना नाभिर्यस्य सः सनाभिज्येष्ठकनिष्ठभ्रात्रादिः । समानपिंडो यस्य सः सकुल्यपिंडज्येष्ठकनिष्ठपितृव्यस्तत्पुत्राः । समानं गोत्रं यस्य सः सगोत्रः । पंचमादूर्ध्वं एते स्वबांधवाः । एतैः सह सोमभक्षणे समंत्रपूतस्त्रेधावृत्य न दोषः । अज्ञातबंधुभिः सह भक्षणे चांद्रायणं कृत्वा पुनःसंस्कारं तेभ्यः प्रतिग्रहप्रायश्चित्तमाह **लिंगपुराणे**

"अज्ञातहोतृभिः सार्धं यः कृत्वा सोमभक्षणम् । तस्मात्सुवर्णवर्णं वा प्रतिगृह्य द्विजोत्तमः ॥

"प्राजापत्यं चरेत्कृच्छ्रमण्डमात्रं सुवर्णतः । पूर्वोक्तं च सुवर्णे च षडब्दं कृच्छ्रमाचरेत् ॥

"उपोष्य रजनीमेकां अनशुक्र शुद्धिमाप्नुयात् । उपोष्य पंचगव्यं वा पीत्वा शुद्धिमवाप्नुयात्॥"

इति हेमाद्रिविरचिते सोमप्रतिग्रहप्रायश्चित्तम् ।

अथ पशुपुरोडाशभक्षणप्रायश्चित्तमाह **देवीपुराणे** ।

"यज्ञेषु साधुवृत्तेषु धर्मार्जनधनेषु च । तत्रैव भक्षयेन्मध्ये पशुं वृत्त्यर्थमादरात् ॥

"ब्राह्मणो ब्रह्मवित् पूतः पशुं यद्यभिहारयेत् । तस्यैव निष्कृतिर्भूप वेदपारायणं स्मृतम्"॥

एतत् बंधुकृत्यविषयम् । अन्यत्र भक्षणे. द्विगुणम् । अश्रोत्रिययज्ञे पशुपुरोडाशभक्षणे त्रिगुणं । शूद्रद्रव्यग्रहणयज्ञेषु पशुभक्षणे पंचगुणं पुनः संस्कारश्च **कूर्मपुराणे**

"स्वबंधुकृतयज्ञेषु प्राप्तं यत्पशुभक्षणम् । पारायणेन शुद्धिः स्यात् अन्यत्र द्विगुणं भवेत् ॥

"अश्रोत्रियेषु त्रैगुण्यं शूद्रे पंचगुणं भवेत् । पुनः संस्कारकृत् पूतः शुद्धो भवति सर्वदा॥"

तत्प्रतिग्रहदोषप्रायश्चित्तमाह **लिंगपुराणे**

"पशुं भक्षयतो यस्य द्विजस्याकृतनिष्कृतेः । प्रतिगृह्य सुवर्णं वा ज्ञात्वान्नं संपरिग्रहेत् ॥

"अज्ञात्वा कृच्छ्रमात्रेण ज्ञानेनैव द्वयं स्मृतम् । अन्नभृत् पंचगव्येन शुद्धिमाप्नोति पूर्वजः॥"

अल्पसुवर्णप्रतिग्रहे प्राजापत्यं स्वर्णमात्रप्रतिग्रहे द्विगुणम् । अन्नभक्षणे पंचगव्याच्छुद्धिः ।

युधिष्ठिरः । यदा भार्गव. भुवः । १ । भीष्म ।३.। अत्राप्युदा. भारत । २ । अजेन य. तिस्थितिः

।३। अजेन यष्टव्यमिति । अजश्छागस्तेन यागः कर्तव्यः । नान्यो यज्ञार्हः पशुरिति स्थितिः । देवानां सिद्धांत इत्यर्थः ।३। ऋषय.। बीजैर्यज्ञे. मर्हथ ।४। ऋषयः स्वसिद्धांतं दर्शयति । बीजैरिति । अजेन यष्टव्यमिति या श्रुतिर्बीजपरा । तत्राजसंज्ञाति बीजानि भूमौ क्षिप्यंत इत्यजसंज्ञानि भवंति । तं भागं बीजमयं भागमित्यर्थः । नैष धर्मः स. पशुः ।५। भीष्म ३. । तेषां संव. वाचसुः ।६। अंतरिक्ष. क्षगें ।७। ऊचुर्द्विजा. प्रियः ।८। कथंस्विद. वसु. ।९। एवं ते संविदं कृत्वा. मंतिकात् ।९। संविदं प्रतिज्ञा ।९। भो राजन्. वान्मतः ।१०। ॐषधीः ॐषधीभिः । ॐषधिभिर्वैर्धान्यैरित्यर्थः ।१०। सतां कृतां-तमाः ।११। कस्य वा कः परः काम इत्यत्र कस्य काम इत्यत्र कस्य कामः सिद्धांत इत्यर्थः । कस्य वा को मतः पक्ष इति पाठांतरं ।११। ऋषयः धान्यैर्यष्ट—त्वदस्व नः ।१२। भीष्मः । देवानां तुम—स्तदा ।१३। कुपितास्ते ततः स वादिनं ।१४। सुरपक्षे—गतिः ।१५। आत्मछायाभिस्तदा ।१६। प्रवक्ष्यसि पातालमिति शेषः ।१६। अधो वै ज्ञया ।१७। देवास्तु—स्यतत् ।१८। अनेनाकसः ।१९। सहितैर्नो दिवौकसः । भो अस्माभिः दिवौकस इति संबोधनं ।१९। इतिबुध्या—रंसदा ।२०। ब्रह्मण्य—क्षणं । २१ । ब्रह्मण्यदैवतं ब्राह्मणहितानांपतिं ।२१। मानना. तम ।२३। यतस्वं. तम ।२३। यावत्वं. माप्स्यसि ।२४। यज्ञेषु. शत ।२५। वाजश्च मे प्रसवश्च म इत्यादिना अग्निचित्या होतव्या संतता घृताहुतिर्वसोर्धारा अस्महेतुध्यानात् । अस्मानुग्रहात् ।२५। नक्षत्पि. नच ।२६। सदेवौ. कसः ।२७। गताःस्व. भारत ।२८। जप्यंज. दय ।२९। वसुर्विवणतस्त द्व्यलीकस्य फलात् । गुगुरोर्ब्राह्मणस्य व्यलीकस्यस्याप्रियकारणस्यं फलाद्भूमेर्विवरण इत्यर्थः । नारायणमुखोद्गतं पंचरात्रे भगवता प्रोक्तं द्वादशाभ्यामित्यर्थः । पंचकालान् । संध्यासंगदात् ।२९। अजयद्धरिं. हरिः ।३०। अनन्यं त्तमं ।३१। द्विजोत्तमंपक्षीदं ।३१। गतत्प्रतं. न्मम ।३१। संम्राट् । त. उं ।३३। मानिता. ज्ञया ।३४। अथश्च. वान् ३५ विवेश. सुतः ।३६। उत्पपा. पुमः ।३७। सशरी. ज्ञया ।३८। प्राप्ता. श्वरः ।३९। ततः शा. पच ।४०। भीष्म । एतत्ते नृषिः ।४१। ततेसर्वं. नृप ॥ इति शांतौ नारायणीये । ते भूता मानवा इति । ते मानवाः सप्तद्वीपवासिनो यथाभूतास्तथैतत्तेसर्वमाख्यातमित्यर्थः । इति मोक्षधर्मे ।४२।

अव्यपरार्थे गायत्रीजपकर्तॄणां प्रायश्चित्तमाह **ब्रह्मांडपुराणे**

"परार्थे शृणु राजेंद्र गायत्रीजपकृन्नरः । मोहार्थे धनलोभार्थे स वै पाषंडतां व्रजेत्"॥

गारुडपुराणे

"ब्राह्मणो धनलोभेन परार्थे वेदमातरं । जप्त्वा नरकमाप्नोति तं कदा नालभेद्बुधः ।

कूर्मपुराणे

"वेदमाता च गायत्री जपतां पापनाशनी । परार्थे नात्यजेद्यस्तु स नरो मातृघातकः ॥"

लिंगपुराणे

"पादपूर्णं जपेद्यस्तु गायत्री शुद्धमानसः । स वै नारायणः साक्षाद्द्विबाहुरिति विश्रुतिः ॥"

महाभारते

"वेदमाता तु गायत्री लोकमाता च जाह्नवी । तयोर्यदि जपो भक्त्या नित्यं सेवेत बुद्धिमान् ॥

"तयोरेकां परित्यज्य परार्थे जनवल्लभ । स दिवाकीर्तितुल्यं स्यान्मृत्वा नरकमश्नुते । "

" तदंते भुवमासाद्य पादलंबादिबांधवान् । तस्य निष्कृतिरस्यैव दृष्ट्वा मुनिपरायणैः ॥
"दशकुज्जपतो देवीं परार्थं कृच्छ्रमीरितं । शतं परार्थं जपतः पराकं परिकीर्तितं ॥
" सहस्रसंख्ययान्यार्थं शुध्यर्थं चांद्रमाचरेत् । अयुतं नियुतं वापि परार्थं धनलोभतः ॥
" जपतस्तस्य कर्माणि सद्यः शीर्यंति देहतः । तस्योपनयनं भूयश्चांद्रायणचतुष्टयम् ॥
" औपासनाग्निं संत्यज्य गायत्रीदानमेव च । केशानां वपनं कृत्वा पंचगव्यं ततः परम् ॥
" परार्थं यावती संख्या गायत्री प्रणवात्मिका । पुनः स्वार्थं जपेत्पश्चात्ततः शुद्धिमवाप्यते ॥
" एवं कृत्वा द्विजः शुद्धेदन्यथा जलकाकवत् । तस्य जन्म वृथा लोके नामधारणमात्रकम् ॥"

मि. पृ. ३१७, न्यूनतां परिहरति । **निमित्तेति** । **परीति** । मननेति शेषः । सचेत्थं

"ब्राह्मणस्य कृतः कृत्यां घ्रातिरघ्रेयमद्ययोः । जैम्ह्यं पुंसि च मैथुन्यं जातिभ्रंशकरं स्मृतम् ॥
"विसश्वौष्ट्रमगे भानो मजाविकवधस्तथा । संकरीकरणं ज्ञेयं मीनाहिमहिषस्य च ॥
"निंदितेभ्यो धनादीनां वाणिज्यशूद्रश्वेतसेवनम् । अपात्रीकरणं ज्ञेयमसभ्यस्य च भाषणम् ॥
"क्रिमिकीटवयोहत्यामद्यानुगतभोजनम् । फलैधः कुसुमस्तेयमधैर्यं च मलावहम् ॥" इति

वृद्धविष्णुः । अतोऽन्यत्प्रकीर्णकमिति महार्णवेतकः । द्विपलावहांतादन्यत्रुजःकृत्या-रोमोत्पाटना । अघ्रेयं पूतिगंधि । **योगीश्वरस्य** तु एतेषामपि अस्मत्प्रतिग्रहादिवचःकारेण संग्रहोऽभिमत इत्युपपातकत्वमेवैषारुपिविशेषसंख्यास्तु तत्रोक्ताः प्रायश्चित्तविशेषार्थं । अत एव हृद्गतमित्यादिपंचविधमिति च तत्रादिना एतेषामपि संग्रहः । **प्रमापणं** । मारणम् ॥ २९० ॥ २९१ ॥

याज्ञवल्कीये २९२ श्लोकः ।

मि. पृ. ३१८. संगतिमाह । **एवमिति** विप्रमित्युभयान्वयीत्याह । **विप्रमित्यादि** ॥२९२॥

याज्ञवल्कीये २९३ श्लोकः ।

इदं चानुक्तप्रायश्चित्तं विशेषविषयं । उक्तप्रायश्चित्तविशेषविषये आह । **श्रौतेष्विति** ।

मि. पृ. ३१९ **महायज्ञाः** पंचमहायज्ञाः । इदं च विषयानुपादानादनापद्यकामकृते द्विगुणम् । आपद्य कामतः । कृच्छ्रपादः कामतः कृच्छ्रार्धमेव । इदमपि सकृत्त्वप्ये(?) । अभ्यासे तु कल्प्यं वहनिति उपपादितत्वमयोः समुच्चयः । **प्रत्यापत्तिः** पुनरागमनम् । **मार्गतामिति**

मि. पृ. ३२०. षष्ठ्यन्तम् । **धनुरिति** । क्रमेण धनुर्दंडौ दक्षिणा । **तल्प** भार्या । **व्यवस्थेति** । कामत इदं । **दंतानामिति** । दृष्टान्तीमुत्पाटयेदित्यर्थः । **अभ्यासेति** । अनभ्यासे त्वर्धं । **प्रत्यंतो** म्लेच्छदेशः । **एतदेव हारीतोक्तत्रिरात्रमेव** । एवमग्रेपि प्रधानं शुद्धिः ॥ २९३ ॥

याज्ञवल्कीये २९४ श्लोकः ।

मि. पृ. ३२१ शक्तिविषये आह । **तथेत्यादि** । पापविषये आह । **तथा पापं चेति** । तुर्यपादार्थमाह । **यत्र चेत्यादि** । **क्रंदितेति** । 'झंभितेति' पाठान्तरं । **नोदेति** । अयं निषेधः सप्तमासादूर्ध्वम् ।

"वपनं मैथुनं तीर्थं वर्जयेद्गर्भिणीपतिः । श्राद्धं च सप्तमान्मासादूर्ध्वं चान्यत्र वेदविदि"त्युक्तेः ॥

श्राद्धं श्राद्धभोजनम्। तत्रापीति। तच्च प्राणायामशतमित्यादिना वक्ष्यमाण एवमंगकल्पनया तत्कल्पनामुक्त्वा तस्यापि साक्षात्कल्पनामाह। न चेति। परमतात्पर्यं मुनेराह। प्रायश्चीति ॥ २९४ ॥

याज्ञवल्कीये २९५ श्लोकः।

मि. पृ. ३२२. मंगलत्यर्थमुपसंहरति। एवमिति। मन्वनुरोधेनाह। अथवेति। उपासीरन् ज्ञातयः। न्यूनतां परिहरति। एतच्चेति। अत्र मानं गौतममाह। तस्येत्यादि। अस्यार्थः। यः पतितत्वादिहेतुना त्याज्यत्वेनोक्तस्तस्य विद्यागुरूनाचार्यादीन्योनिसंबंधान्मातामहमातुलादींश्च पुत्रादयः संनिपात्य मेलयित्वा तेभ्यश्च तत्कारणमाहयतैरनुमताः पुत्रादयः सपिंडाः सर्वाणि पिंडोदकश्राद्धादीनि प्रेतकार्याणि जीवंतमेव समुद्दिश्य कृत्वा पात्रं चास्य त्यागस्य कृते विपर्ययेयुः। कथमित्यपेक्षायामाह। दास इत्यादि। तयोर्मध्ये एकः अवकरात्पुंरीषादिस्थानादशुचिपात्रमानीय दास्यानीतोदकघटात्तत्पात्रमुदकेन पूरयति तदनंतरं दक्षिणामुखो देवदत्तमनुदकं करोमीन्यभिधाय पदा विपर्यस्य तं त्याज्यं सपिंडाः पुत्रादयः। प्राचीनावीतिनो मुक्तशिखा अन्वालंभेरन् विद्यागुरवो योनिसंबद्धा वीक्षेरन्। ततः स्नात्वा ग्रामं प्रविशति। अत ऊर्ध्वं तेनाज्ञानात्संभाष्य सावित्रीं जपन्नहोरात्रं तिष्ठेत्। ज्ञानात्तु त्रिरात्रं जपन् तिष्ठेदिति।

विशेषमाह। अयं चेति। उत्तरार्धार्थमाह। ततस्तमिति। ततः घटस्फोटानंतरं। यात्रामिति। लोकव्यवहारमित्यर्थः। उक्तशेषगौतममाहात ऊर्ध्वमिति ॥ २९५ ॥

याज्ञवल्कीये २९६ श्लोकः।

निनयेयुः शुभे जलाशये प्रक्षिपयुः। न्यूनतां निराचष्टे। एतच्चेति। अपामिति शेषषष्ठी। मि. पृ. ३२३ शातकुंभं कांचनं। उत्तरार्धार्थमाह। तत इति। सर्वेश इत्यस्यार्थः सर्वेति। वसिष्ठः। तथाभिषिक्तस्य प्रत्युद्धारः पुत्रजन्मना व्याख्यात इति। अभिषिक्तस्य पूर्वोक्तरीत्या कृतस्नानस्य प्रत्युद्धारो भवति। स च पुत्रजन्मना व्याख्यातः। उक्तरीत्या प्रत्युद्धारानंतरं जातःकर्मादिसंस्कारैः संस्कुर्यादित्यर्थः ॥ २८६ ॥

याज्ञवल्कीये २९७ श्लोकः।

पतितस्येति। प्रसंगादिति भावः। आदिना कृतप्रायश्चित्तानां परिग्रहः। अत एवाग्रे व्याख्याने एतत्पाठः क्वचित् दृश्यते ॥ २८७ ॥

याज्ञवल्कीये २९८ श्लोकः।

नीचो हीनवर्णः शूद्र इत्याह। हीनेति। न पुनरिति। तथा च त्रीणीत्यप्युपलक्षणं बोध्यम्। तेन वसिष्ठेन। एवमग्रेऽपि। जुंगितः प्रतिलोमतः। एवं सत्याविरोधं प्राह। अतश्चेति ॥ २९८ ॥

याज्ञवल्कीये २९९ श्लोकः।

व्यापारो हिंसा। तात्पर्यमाहातश्चेति। तथा च शरणागतहंतृबालहंतृस्त्रीहंतृकृतघ्नाश्च सर्वथा सर्वमते अव्यवहार्या एव। प्रायश्चित्तं तु तेषां परलोकार्यैवेति बोध्यम्। वाचस्पतिमिश्रास्तु

भामत्यां महापातकिनः कामतोऽव्यवहार्याः । वचनात्प्रायश्चित्तं तु परलोकशुद्धिमात्रफलकमित्याहुः ॥ २९९ ॥

याज्ञवल्कीये ३०० श्लोकः ।

यवसं तृणं । तात्पर्यमाह । **यदीति** ॥ ३०० ॥

याज्ञवल्कीये ३०१ श्लोकः ।

(पूर्वार्धः ।)

तत्त्वं । तथामिति पाठांतरं । पापनिष्कृति कृत्यः । **धर्मः** स्मृतिः । **तेनैव मनुनैव** ।

मि. पृ. ३२५ अत्र धर्मोपदेशविषये व्यवस्थामाह । **तत्र चेति** ।

(उत्तरार्धः ।)

स्वयं संगतिमाह । **व्याख्यायेति** । कर्त्रीतिविशेषणफलमाह । **अतश्चेति** । तथा च **हारीतः** "रहस्ये रहस्यं प्रकाशे प्रकाशमिति" । **तत्र** व्रताचरणाविषये । **अविभाव्य** अविचार्य । **एकांततः** । नियमतः । अन्येषामपि तत्ज्ञानं नांगमित्याह । **इतरेषामिति** । स्त्रीशूद्रभिन्नानां त्रैवर्णिकानामित्यर्थः । **योगं** विनियोगं । एतेन तेषामुच्चारणे **आश्वलायनैः** क्रियमाणं निरस्तं ।

मि. पृ. ३२६ **अत्रापि** । रहस्यव्रताचरणेऽपि ॥ ३०१ ॥

याज्ञवल्कीये ३०२ श्लोकः ।

तद्व्रते एव श्रांतं इत्यन्वयः । **उदकांते** तत्समीपे स्थंडिलं च स्थित्यर्थः । इतरत्र श्रोत्रियादिभिन्ने अष्टाधिकसहस्राहुतीः । **युक्तः** । समाहितः । **अभ्युपयन्** स्नानं कुर्वत् ॥ ३०२ ॥

याज्ञवल्कीये ३०३ श्लोकः ।

उपसंहरन् । **इदं चेति** । प्राणांतिकप्रायश्चित्तनिमित्ते ब्राह्मणवधे इदमिति **त्वपरार्के** । ॥ २३३ ॥

याज्ञवल्कीये ३०४ श्लोकः ।

(पूर्वार्धः ।)

मि. पृ. ३२७ मासं षोडशेत्यनुवृत्तेराह । **मासमिति** । अप इत्यस्य व्याख्याप **न इति** । प्रतित्यृचमित्यस्य प्रतीतिमाह । त्रमित्यस्य **महित्रीति** । शुद्धवत्यस्यैतान्विंद्रमिति पावमान्यः स्वादिष्टया मदिष्टयेत्याद्याः । अनुवृत्तेराह । **त्रिरात्रेण इति** ।

(उत्तरार्धः ।)

तदनंतरमाह । **जलेति** । अत्रापि कर्मणेसंगौर्येया ।(?) इदमकामतः । अत्रैवाभ्यासे द्विगुणं कल्प्यम् । कामतस्तु मंत्रैरिति **मनूक्तं** ज्ञेयम् । अतः कामतोऽभ्यासे आहा**वृत्तौ त्विति** । ॥३०४॥

याज्ञवल्कीये ३०५ श्लोकः ।

अनुमीयते । विधीयते इति पाठांतरं । होमेऽपि चत्वारिंशत्संख्या बोध्या । उत्तरार्धार्थ-

मि. पृ. ३२८ **माहेभिश्चेति** । मासं षोडशेत्यनुवृत्तेराह । **मासमिति** । अथ मूलानुक्तं संसर्गिप्रायश्चित्तमाह । **माहेति** ॥ ३८५ ॥

याज्ञवल्कीये ३०६ श्लोकः ।

पूर्वपादानुरोधेनादावुत्तरार्धार्थमाह । **गोवधेति** । जाते समूहः बहुत्ववयवाभिप्रायं अनादिष्टपदमाह । **अनेति** । जाता एकत्वं । तृतीयपादार्थमाह । **तथेति** । अनेनानर्थक्यं । परिहृतं योय-

मि. पृ. ३२९ रूपा आह । **तत्र चेति** ॥ ३०६ ॥

याज्ञवल्कीये ३०७ श्लोकः ।

उत्तमत्वमविवक्षितमित्याह । **द्विज इति** । **ब्रह्म** व्याहृतयः ॐभूरित्यादयः । **ब्रह्मणा** ओंकारेण । व्याहृतिभिश्च । **उरोगं** हृदयंगमं ॥ ३०७ ॥

याज्ञवल्कीये ३०८ श्लोकः ।

चेन वाचिकं तुर्यपादार्थमाह । **तथेति** ॥ ३०८॥

याज्ञवल्कीये ३०९ श्लोकः ।

मि. पृ. ३३० न्यूनतां परिहरति । **चशब्द इति** । **दुर्गा** जातवेदस इति । **मध्वृचः** मधु वाता इति ॥ ३०९ ॥

याज्ञवल्कीये ३१०।३११ श्लोकौ ।

मि. पृ. ३३१ व्यवस्थामाह । **तत्रेति** । तिलैरित्यस्याग्रेऽपि संबंधादाह । **तथेति** । **क्षौद्रं** मधु । **इतरैः** श्वेतैः ॥ ३१० ॥ ३११ ॥

याज्ञवल्कीये ३१२ श्लोकः ।

व्यवस्थामाह । **अतश्चेति** । उपसंहरति । **एतदिति** । अथ रहस्यसाधारणप्रायश्चित्तं **मनुराह** (अ. ११ श्लो. २४५,२४६,२४८)

"वेदाभ्यासोऽन्वहं शक्त्या महायज्ञक्रियाक्षमा । नाशयत्याशु पापानि महापातकजान्यपि ॥
"यथैधान्तेजसा वह्निः प्राप्तान्निर्दहति क्षणात् । तथाऽज्ञानकृतं पापं कृत्स्नं दहति वेदवित् ॥
"सव्याहृतिकप्रणवाः प्राणायामस्तु षोडश । अपि भ्रूणहन्तमासान्तात् पुनंत्यहरहः कृता ॥"इति ।

वसिष्ठः

"यद्यकार्यं कृतं साग्रं शतं वेदश्च धार्यते । सर्वं तत्तस्य वेदाग्निर्दहत्यग्निरिवेंधनम् ॥"

यमः

"सहस्रपरमां देवीं शतमध्यां दशावराम् । गायत्रीं प्रजपेन्नित्यं महापातकनाशिनीम् ॥
"ऋग्वेदमभ्यसेद्यस्तु यजुःसाममथापि च । सूक्तानि सुरहस्यानि अथर्वांगिरसस्तथा ॥
"ब्राह्मणानि च कल्पांश्च षडंगानि तथैव च । इतिहासपुराणानि देवतास्तवनानि च ॥
"पूत्पूपैः प्रमुच्येत धर्मस्थानैस्तथापरैरिति" । **कूर्मपुराणे**
"जपस्तपस्तीर्थसेवा देवब्राह्मणपूजनम् । ग्रहणादिषु कालेषु महापातकशोधनम् ॥
"पुण्यक्षेत्राभिगमनं महापातकनाशनम् । देवताभ्यर्चनं दानमशेषाघविनाशनम् ॥
"अमावास्यां तिथिं प्राप्य यः समाराधयेद्भवम् । ब्राह्मणान्भोजयित्वा त सर्वपापैः प्रमुच्यते ॥

"कृष्णाष्टम्यां महादेवं तथा कृष्णचतुर्दशीम्। संपूज्य ब्राह्मणमुखे सर्वपापैः प्रमुच्यते ॥
"त्रयोदश्यां तथा रात्रौ सोपहारं त्रिलोचनम्। दृष्ट्वेशं प्रथमे यामे मुच्यते सर्वपातकैः ॥
"एकादश्यां निराहारः समभ्यर्च्य जनार्दनम्। द्वादश्यां शुक्लपक्षस्य सर्वपापैः प्रमुच्यते ॥
"उपोषितश्चतुर्दश्यां कृष्णपक्षे समाहितः। यमाय धर्मराजाय मृत्यवे याचकाय च ॥
"वैवस्वताय कालाय सर्वभूतक्षयाय च। प्रत्येकं तिलसंयुक्तान् दद्यात्सप्तोदकांजलीन् ॥
"स्नात्वा न धातुपूर्वाह्णे मुच्यते सर्वपातकैः"। तथा तत्रैवाध्यायांतरे
"अस्मिन्कलियुगे घोरे लोकाः पापानुवर्तिनः। भविष्यंति महाबाहो वर्णाश्रमविवर्जिताः ॥
"नान्यत्पश्यामि जंतूनां मुक्त्वा वाराणसीं पुरीम्। सर्वपापप्रशमनं प्रायश्चित्तं कलौ युगे ॥"इति ॥ ३१२ ॥

याज्ञवल्कीये ३१३।३१४ श्लोकौ।

मि. पृ. ३३२ विरोधं परिहरति। **यत्पुनरिति** ॥ ३१३ ॥ ३१४ ॥

याज्ञवल्कीये ३१५ श्लोकः।

तत्र। व्रतानां मध्ये। गोमूत्रमिति एतेन कुशोदकं तु गोमतीरं दधिमूत्रं शकृत्घृतमित्य**परार्क**-पाठः प्रत्युक्तः। स्मृतिषु तथैव क्रमदर्शनात्। साहचर्यात्क्षीरादि गोरेव। एवं स्त्रीव्यक्ते एव गोमूत्रादि। संपूज्य मिश्रीकृत्य। **संयवनं** मिश्रीकरणम्। विपरीतमाह। **यदा पुनरिति**। शंवतीः शनो-
मि. पृ. ३३३ देवीरिति। **ब्रह्मकूर्चा** इति ब्रह्मकूर्चाख्यः पूर्वदिनानुष्ठीयमानः संप्रक्रांत इत्यर्थः। एतत्सूचनार्थमेवोपवासपदं। एवं च तस्य प्राथम्यं युक्तं इष्टं च **ब्रह्मपुराणोक्त**सप्ताह-साध्यसांतपने तस्य प्राथम्यं। एतेन मलस्यैव संज्ञांतरमिति **मदना**युक्तमपास्तम्। **मरीचिरपि**

"देवताः संप्रवक्ष्यामि आनुपूर्व्येण यस्यणा (?)। वरुणो देवता मूत्रे गोमये हंसवाहनः ॥
"सोमः क्षीरे दध्नि वायुर्घृते रविरुदाहृतः।
"गोमूत्रं ताम्रवर्णायाः श्वेतायास्त्वथ गोमयम्। पयः कांचनवर्णाया मालायास्त्वथ वा दधिः॥
"घृतं वै कृष्णवर्णाया विभक्तावर्णगोचरम्। उदकं सर्ववर्णं तु तस्य वर्णा न गृह्यते ॥
"गोमूत्रस्य पलं ग्राह्यमंगुष्ठार्द्धं तु गोमयम्। क्षीरस्य त्रिपलं ग्राह्यं पलमेकं कुशोदकम् ॥
"आपो हि ष्ठेति चालोड्य उद्यम्य प्रणवेन तु। अग्नये स्वाहा सोमायेंद्रायेदं विष्णुर्मानस्तोके।
"गायत्र्या प्रजापतेन त्वदेतानीत्याग्नौ जुहुयात्।

"नदीप्रस्रवणे तीरे रहस्ये निर्ऋते तथा। शुक्लवासाः पवित्रात्मा अहोरात्रोषितः पिबेत् ॥
"पालाशेन च पत्रेण बिल्वपत्रेण वा पिबेत्। तृतीयं ताम्रपात्रं वा ब्रह्मपात्राणि तानि वै ॥
"प्रतिमासं पौर्णमास्याममावास्यां च वा पिबेत्।

ब्रह्महा परगामी च ये चान्येऽस्थिगता मलाः ॥ ब्रह्मकूर्चो हरेत्सर्वं मंथाग्निस्तृणमेव तु ॥"
इति। विशेषांतरमाह। **यदा त्विति**। मौलमेवोभयात्मकं मिश्रितपंचगव्यमिति बहुव्रीहिः। एवं च षडहसाध्यमेतत्। **जावेति**। **ब्रह्मपुराणे** त्वन्यथा क्रमसप्ताहसाध्ये सांतपनमुक्तम्

"प्रथमेऽहनि नाश्नीयात् गोमूत्राशी ततः पुनः। तृतीये गोमयाशी स्यात् चतुर्थे क्षीरपो भवेत् ॥

"पंचमे दधि भुंजीत घृतं षष्ठे भवेदथ । कुशोदकं सप्तमे च कृच्छ्रे सांतपने विधिरिति ॥"

यमेन तु दिनत्रयसाध्यं सांतपनमुक्तं गोमूत्रम्

"एकरात्रोपवासश्च श्वपाकमपि शोधयेत् । कपिलायां तु दुग्धायां धारोष्णं चैव यः पिबेत् ॥

"एवं सांतपनः कृच्छ्रः सर्वपापप्रणाशनः ॥" इति ॥ ३१५ ॥

याज्ञवल्कीये ३१६ श्लोकः ।

अनन्वितत्वादाह । **सप्तेति** । षष्ठ्यां पूर्वोक्तगोमूत्रादिना । **एतानि** । गोमूत्रादि कुशोदकांतानि षड्द्रव्याणि । **एकेनो**पवासनिवृत्तिः । एवं च द्वादशाहसाध्योऽयं अप्येतत्प्रत्याम्नायाः तत्र सप्ताहसाध्यसांतपनस्य सार्धप्राजापत्यंत्यस्थाने विहितत्वादेका धेनु निष्कार्धं च देयम् । **षट्त्रिंशन्मतस्य** वक्ष्यमाणत्वात् दिनद्वयसाध्ये सर्वत्र निष्कार्धं दिनत्रयसाध्येऽपि षट्दिनसाध्ये यतिसांतपने धेनुः । सप्ताहसाध्ये महासांतपनेऽपि पूर्ववत् पंचदशदिनसाध्ये धेनुद्वयम् । निष्कार्धं च । एकविंशतिदिनसाध्ये सार्धनिष्कं धेनुत्रयं द्वादशदिनसाध्येऽतिसांतपने धेनुद्वयम् । एवं गायत्रीजपादावपि । तत्र धेनुत्रयम् । द्वादशदिनसाध्येति सांतपने धेनुद्वयम् । एवं गायत्रीजपादावपि धेनुस्थाने गायत्र्यायुते निष्कार्धस्थाने पंचसाहस्रीत्यादि बोध्यम् । पंचाहेति पलाशबिल्वपद्मानां पर्णान्यौदुंबरेऽस्मिन् ।

"अश्वत्थस्य च पर्णानि अशोदेकैकशस्तथा । अहोरात्रोपवासश्च पर्णकृच्छ्रः प्रकीर्तितः ॥" इति

जाबालेन षट्दिनसाध्ये उक्तः । "कुशपलाशोदुंबरपद्मशंखपुष्पीवटब्रह्मसुवर्चलापत्रैः क्वथितस्यांभसः प्रत्यहपानं पर्णकृच्छ्र" इति **विष्णुना** (अ.२४ सू.२३) सप्ताहसाध्य उक्तः । पद्मबिल्वपलाशोदुंबरकुशोदकान्येकैकमभ्यस्तानि ॥ ३१६ ॥

याज्ञवल्कीये ३१७ श्लोकः ।

मि. पृ. ३३४ **पर्णकृच्छ्र इति शंखलिखितौ** । पंचदिनसाध्य उक्तः । "एकैकं त्र्यहमश्नीयात्पर्णकृच्छ्रो विधीयत" इति **यमेनाभ्यासे** विशेषोक्तेः । **यम इति** । समस्तान्येतानि त्रिरात्रेण प्रयुक्तानि । **पर्णकूर्च इति** । तदग्रिम**शंखलिखितावपि** । **फलैरिति** । शरीरयात्रामात्रोपयुक्तं च तद्भक्षणं । अत्र सर्वव्रतसाधारणेतिकर्तव्यतापि संध्याननुकानि फलानीत्यत आह । **श्रीति** । पत्रादीनि । श्रीवृक्षादेरेव तत्कृच्छ्रः **पुष्पकृच्छ्रः** ॥ ३१७ ॥

याज्ञवल्कीये ३१८ श्लोकः ।

मनुनेति । **पराशरेण** त्रिदिनसाध्योऽपि तप्तकृच्छ्र उक्तः

"षट्पलं तु पिबेदंभस्त्रिपलं तु पयः पिबेत् । पलमेकं पिबेत्सर्पिस्तदा कृच्छ्रं विधीयते ॥" इति ।

विष्णुना तु दशदिनसाध्य उक्तः

"त्र्यहमुष्णाः पिबेदापस्त्र्यहमुष्णं पयः पिबेत् । त्र्यहमुष्णं घृतं पीत्वा नाश्नीयादेष तप्तकृच्छ्रः ॥"

एष एव शीतः । **शीतकृच्छ्र** इति **यमेति** । **पराशरोऽप्येवम्** । अयमपि द्वादशदिनसाध्यः ।

अथान्येऽपि कृच्छ्राः । **शंखः**

"बिसान्युदकसिद्धानि मासमश्नीत संयतः । सक्तून्वा सोदकान्मासं कृच्छ्रो वारुण उच्यते ॥'

"बिल्वैरामलकैर्वाऽपि पद्माक्षैरथ वा शुभैः । मासेन लोके श्रीकृच्छ्रः कथ्यते द्विजसत्तमैः ॥

"गोपुरीषाद्यवान्नं च मांसं नित्यं समाहितः । व्रतं तु पावकं कुर्यात्सर्वपापापनुत्तये ॥"

विष्णुः (२४।१४।१५) "उदकादिसक्तूनां मासाभ्यवहरणेनोदककृच्छ्रः । विसभ्यवहरणे शीतकृच्छ्रः । उदयकादाति । उदकप्रधानानां सक्तूनां । **जाबालः**

"अनश्नञ्जलमध्यस्थस्त्वहोरात्रं जपन् बुधः । संवत्सरकृतं पापं जलकृच्छ्रो व्यपोहति ॥"

जपो वारुणसूक्तानाम् । **योगियाज्ञवल्क्यः** (प्रा. ३१२) ।

"वायुभक्षो दिवातिष्ठेद्रात्रिं नीत्वाऽप्सु सूर्यदृक् । सहस्राष्टाधिकां जप्त्वा गायत्रीं जलसंज्ञकः ॥"

द्वितीयदिने सूर्य दृष्ट्वा अष्टोत्तरसहस्रगायत्रीजपं कृत्वा पारणं कुर्यादित्यर्थः । अयं जलकृच्छ्रः । **तथा** "मासोपवासो विज्ञेयो दिनात्रिंशदुपोषणात् ।"

तथा गोमूत्रकृच्छ्रः ।

"आतृप्तेश्चारयित्वा गां गोधूमान् यवमिश्रितान् । तान्गोमयोच्छ्रान्संगृह्येत्पचेद्गोमूत्रपावकमिति॥"

वारुणकृच्छ्रं स्त्रीकृच्छ्रं च **यम** आह

"ब्रह्मचारी जितक्रोधो मासेऽप्युदकसक्तुकान् । पिबेच्च अर्कद्वारः कृच्छ्रं वारुणमुच्यते ॥

"त्र्यहं पिबेत्तु गोमूत्रं त्र्यहं वै गोमयं पिबेत् । त्र्यहं वै यावकेनैव स्त्रीकृच्छ्रंस्त्वेतदुच्यते ॥" इति

"अथैतत्प्रत्याम्नाया तत्र पंचाहसाध्ये सपादनिष्कैकधेनुः मासिकश्रीकृच्छ्रादौ सार्धनिष्कं धेनुद्वयं चतुर्दिनसाध्यतप्तकृच्छ्रे एका धेनुर्द्व्यहसाध्ये निष्कार्धं द्वादशाहसाध्ये धेनुत्रयमिति" **षट्त्रिंशन्मते** । धेनुद्वयमित्यपरार्कभवदेवौ । पादोनधेनुचतुष्टयमिति शूलपाणिः । एवं गायत्रीजपादावपि बोध्यम् ॥ ३१८ ॥

याज्ञवल्कीये ३१९ श्लोकः ।

मि. पृ. ३३५. उक्तमुपपादयति । **अत्र चेति** । रात्रीस्ता एव । **रात्रौ वेति** । **दिवैवेति** । केचिद्विशेषमाहाऽयाचीति । विशेषमाह **येति** । अत्र पक्षे आह । **यदा त्विति** । **तेनैव आपस्तंबेनैव** । मूलमग्रेऽपि । **मूलमतेनाऽहार्धेति** । अत्र यतेः पादोनकृच्छ्रकल्पना चिंत्या । अनेन पक्षद्वयेऽपि प्राजापत्यस्यैव कृच्छ्रसंज्ञाऽपि सूचितेति तयोः पर्यायत्वं न तु मूलमताप षोडशादिनात्मकः कृच्छ्रः । एवं च निरुपपदः कृच्छ्रशब्दः प्राजापत्यपर इति बोध्यम् । एतेन कृच्छ्रलक्षणं नोक्तमित्यपास्तं ॥ ३१९ ॥

याज्ञवल्कीये ३२० श्लोकः ।

तदेतत् ध्वनयन्नाह । **प्राजापत्यकृच्छ्रमिति** । **तत्र** तेषां मध्ये । **पराकमुपवासः** । संज्ञांतरमासिश्विति उक्तपक्षत्रयान्यतमपक्षांगीकारेणाह । **जपादीति** । **रौरवेति** । **सोमे** धारयेत्यस्यां दुहान ऊधरित्यस्यां चक्रत्रिन्यृचत्वेन गीयमाने सामनी यथाक्रमं रौरवयोधीजपाख्ये नित्यं कर्मविरोधिकालेषु पठेदित्यर्थः । **अन्विति** । त्रिकालं स्नानमित्यर्थः । **मार्जयीतेत्युभयान्वयि** । मार्जनं

मि. पृ. ३३६ च स्नानानंतरमेव । **उदकतर्पणमित्यनेनात्र** एव जले तर्पणं न स्थले इति गम्यते । **तर्पणे** नमेत्यादित्रयोदशमंत्राः । तत्रादावंते चरमः शब्दश्रवणादुभयत्र तत्प्रयोगः ।

उपस्थानं तत्साधनं कार्यकारणयोरभेदादेवमग्रेऽपि तर्पणानंतरमुपस्थानं। तत आज्यहोमः। स च लौकिकाग्निं प्रतिष्ठाप्य एताभ्यो वक्ष्यमाणाभ्यः। ते नव मंत्राः स्वाहाकारांताः। नन्वस्य बहुक्रियत्वात्कथमुक्तार्थे संप्रतिपत्तिरत आहाऽतश्चेति। क्षिप्रेति। विशेषणाच्चेत्यर्थः। उपसंहरति। **एवमिति**। एतत्प्रत्याम्नायाः अग्रे स्पष्टाः। अयमित्यस्य व्याख्यैतदिति। तद्व्याख्यैकेति। **पाणिः**। प्रसृतिः। अत्र मौलप्रत्याम्नायो धेनुत्रयमिति ॥ ३२० ॥

याज्ञवल्कीये ३२१।३२२ श्लोकौ।

चतुर्विंशतिमते । शेषमाह । **वर्तनामिति**। विज्ञानेश्वरम् । **पयो**ऽत्र जलम् । "चरेत् कृच्छ्रातिकृच्छ्रं तु पिबेत्तोयं तु शांतत्वमिति " **ब्रह्मपुराणात्**। तच्च प्रातःसायं मध्याह्नेषु ग्राह्यम्। एकविंशतिरात्रेषु कालेष्वेतेषु साधयेत् इति तच्छेषात्। **यमेन** चतुर्विंशतिदिनसाध्यमुक्तम्।

"एकैकं पिंडमश्नीयात् त्र्यहं कल्यं त्र्यहं निशि। अयाचितं त्र्यहं पिंडं वायुभक्षस्त्र्यहं परम् ॥

"अतिकृच्छ्रं चरेदेतत् पवित्रं कायशोधनम्। चतुर्विंशतिरात्रं तु नियतात्मा जितेन्द्रियः ॥

"कृच्छ्रातिकृच्छ्रं कुर्वीत एकस्थाने द्विजोत्तमः।" इति **कल्पे** प्रातः। एकभक्ते यावत् । एकस्थाने इति एकदैवोक्तातिकृच्छ्रद्वयेनैकः कृच्छ्रातिकृच्छ्रो भवतीत्यर्थः। अनुवृत्तेराह। **द्वादशेति**। **यमेन** ग्रासविधानादत्रापि पर्णपुटादिना तत्परिमाणं बोध्यम् । **व्यवस्थेति** । एवमग्रेऽपि बोध्यम्। **मूलमते** पयोदुग्धमिति **मदनाद्युक्तं** एकभक्तादिनवदिनेषु यो भोजनकालः तत्रैवोदकेन वर्तनमिति **माधवाद्युक्तं** चापास्तम्। अत एवोपवासदिनत्रये जलग्रहणाय ग्रहणयोर्विप्रतिपत्तिरपि न। अत्र षट्धेनवः प्रत्याम्नायः। पंच त्रयश्च यथायथं पराकप्रत्याम्नायः। पंचधेनव इति मि. पृ. ३३७ **शूलपाणिर्द्वे** इत्यपरार्कभूवदेवौ तिस्र इति **षट्त्रिंशन्मतम्**। पिण्याकं तिलये प्रीतिप्रसिद्धं षट्दिनसाध्योऽयं सौम्यकृच्छ्रप्रत्याम्नाय एका धेनुरिति केचित् ॥३२१॥३२२॥

याज्ञवल्कीये ३२३ श्लोकः।

अर्धोचितासौम्यकृच्छ्रघटितत्वेन कृतत्वादाह । **पिण्याकादीनामिति**। त्र्यहं द्वयं। त्र्यहं त्र्यहमिति पाठांतरम्। अष्टदिनसाध्यं तु यत्नात्पुरुषांतरं स्मर्यते

"पिण्याकं च तथा चामं तक्रं चोदकसक्तवः। त्रिरात्रमुपवासश्च तुलापुरुष उच्यते ॥" इति। एषां व्यवस्था प्राग्वत्। अत्र प्रत्याम्नाया यथायथमुक्तैरीत्योह्याः। **अत्र हारीतेति**। तथा हि अथातस्त्रिनयनोक्तस्य तुला पुरुषस्य कल्पं व्याख्यास्यामः

"अत्राज्यायाजनं कृत्वा मात्रे मूत्रपुरीषके। अप्रतिग्रहमादाय याजयित्वा तु निंदितान् ॥

"विनायकोपसृष्टस्य महाव्याधिहतस्य च। एतत्कृच्छ्रं तुलापुरुषं महापातकनाशनम् ॥

"स्वर्गद्वारमिदं पुण्यं महादेवेन निर्मितम्। आचाममंथपिण्याकं तक्रं चोदकसक्तुकान् ॥

"त्र्यहं त्र्यहं प्रयुंजानो वायुभक्षस्त्र्यहं परम्। वाक्पादवैलरजोभिर्हताहिनिवृतानि च ॥

"आचामस्तानि निर्हंति नवश्राद्धं च सूतकम्।

"तैलस्य दारुणं किंचित् केशकीटं हतं च यत्। प्राश्य मूत्रपुरीषं च ब्रह्महा स्पष्टमेव च ॥

"पिण्याकं तानि निर्हंति अस्थि भित्वा तु यत् स्थितम्। आचामेषु च ये दोषाः स्नेहदोषाश्च ये क्वचित् ॥

"खरोष्ट्रमुखसंस्पृष्टं मद्यसंस्पृष्टमेव च। तक्रेण तानि निर्हंति पंचायाद्यावलोकितम् ॥

"कनकाश्च तिला गावो भूमिराच्छादनं स्त्रियः। सर्वं पुनाति धर्मात्मा गूढं चोदकसक्तुभिः॥
ब्रह्महत्या भ्रूणहत्या सुवर्णस्तेयं सुरापानं गुरुदाराभिगमनं कन्यादूषणं क्लीबाभिगमनं वायुभक्षः पुनाति तत्।

"गंधोशीरमयौ कार्यौ पुरुषोपलसंमितौ। नदीमृत्तिकपानापि पुरुषौढौ तु कारयेत्॥
"महापशुर्येन शरेण विद्धो यच्चापि पशुमुनयोर्लब्धलक्षं।
तेनायसीं सुकृतां कारयित्वा प्रादेशमात्रामुभयोक्त्रांतशिक्याम्॥
"सौवर्णीं राजतीं वाऽपि तुलां देवीं तु कारयेत्। अप्रि चंदनवृक्षस्य खदिरस्यापि कारयेत्॥

"तस्यालाभे तुला कार्या यथा वा ह्युपपद्यते"। यः पुरुषः पिंगलो बभ्रुर्हलमुशलचक्रपाणिस्त्वमहं पुरुषं पिंगलं बभ्रुं हलमुशलवज्रपाणिमावाहयिष्यामि सुस्त एहि नाग एहि कृष्णासिन एहि। स्वागतमनुस्वागतं भवते तुलापुरुषाय महादेवाय इदमर्घ्यमिदं पाद्यमिदमाचमनीयमिदमासनं मे प्रसीद गंधमाल्यधूपदीपं प्रतिगृह्यापापदेनो महारुद्रः सुमना भव।

अथ तुलामभिमंत्रयेत्। ऋषिः सत्यदेवसत्यं ब्रह्मसत्यं यत्सत्यं तेन सत्येन सत्यवादिनि।
"देशानां संपदं ब्रूहि कं देशं वर्द्धयिष्यसि। बीजानां संपदं ब्रूहि किं बीजं वर्द्धयिष्यसि॥
"संज्ञां च संपदं ब्रूहि कं नृपं वर्द्धयिष्यसि। अस्माकं संपदं ब्रूहि किमस्माकं भविष्यसि॥
"यदास्य गुरुमात्मानमसकृत्तुलया धृतम्। परं चैव लघुं मन्ये तदा कर्म समाचरेत्॥"

अग्नये पृथिव्याधिपतये स्वाहा। सूर्याय दिवोधिपतये स्वाहा। सोमाय नक्षत्राधिपतये स्वाहा। कुबेराय यज्ञाधिपतये स्वाहा। इंद्राय देवाधिपतये स्वाहा। ब्रह्मणे त्रैलोक्याधिपतये स्वाहा। देव्यै भगाधिपतये स्वाहा। शालकटंकटाय स्वाहा। कुष्मांडराजपुत्राय स्वाहा। महाविनायकाय वक्रतुंडाय गणानां पतये स्वाहा। धर्माय स्वाहा। अधर्माय स्वाहा। तुलायै स्वाहा। तुलापुरुषाय स्वाहा। प्रजापतिदेवाय मरुद्भिः सदैव पुनरागमनाय स्वाहा। सकृच्चरित्वा शुचिः कर्मणो भवति द्विश्चरित्वा गाणपत्यमवाप्नोति त्रिः कृत्वा महादेवस्यार्धासनं प्राप्नोति। आषाढ्यां कार्त्तिक्यफाल्गुन्यां पुण्ये वा नक्षत्रे एषां विहितो धर्म इति॥

यमः "अथातो भगवतस्तुलापुरुषस्य कल्पं व्याख्यास्यामः।

"अभक्ष्यभक्षणं कृत्वा विकर्मकरणं तथा। प्रसूतानां द्विजातीनां संकीर्णासु च योनिषु॥
संकीर्णयोनिषु प्रतिलोमयोनिषु। तथा निषिद्धयोनिषु च प्रसूतानामुत्पादितापत्यानाम्।

"प्राश्य मूत्रं पुरीषं च भोजयित्वा च निंदितान्। अगम्यागमनं कृत्वा दूषयित्वा च कन्यकाम्।
"विनायकोपसृष्टस्य महाव्याधिहतस्य च। स्वर्गमार्गाविलंबस्य स्वयोद्धाः ......॥
"इदं यंत्रं दुराधर्षं महापातकनाशनम्। स्वर्गद्वारमिदं श्रेष्ठं महादेवप्रचोदितम्॥
"वाङ्मनोभ्यां च कायेन यानि पापानि देहिनः। आचामस्तानि निर्हंति नव श्राद्धं च सूतकम्।
"तैलस्य दारुणं किंचित्केशपक्षिहतं च यत्। पिण्याकस्तानि निर्हंति अस्थि भित्वा च यत् स्थितम्॥

"तैलस्य भक्ष्यमाणस्य तथा निषिद्धसेविने। अभ्यंगादिषु योज्यमानस्य दारुणसलक्ष्मीकरं यत्पापं केशपक्षिहतं केशे यस्युपहतं। अस्थि भित्वा स्थितं। यत्पूर्वकृतं पापं दीर्घकालत्वाद्रूढं संस्थितं तदस्थि भित्वा स्थितमित्युच्यते।

"आहारेषु च ये दोषाः सोपि* (?) दोषाश्च ये क्वचित्। तक्रेण तानि पूतानि श्वभिर्यश्चावलोकितम्
"कनकं च तिला गावो भूमिराच्छादनं स्त्रियः। सर्वं पुनाति धर्मात्मा तथैवोदकसक्तुभिः॥
कनकादिप्रतिजनितां पापं पुनातीति न संशयः।

अथाज्ययाजनं चौर्यं कन्यायामथ दूषणम्। यच्च गोमैथुनात्पापं वायुं पीत्वा पुनाति तत्॥

आहाराग्नामपि जुहोति आहाराग्नामपि जुहोतीत्यपि शब्दोपादानादाज्यहोमोऽपि गम्यते। अग्नये पृथिव्यधिपतये स्वाहा। वरुणाय पाशाधिपतये स्वाहा। महासेनाधिपतये स्वाहा। रुद्राय भूताधिपतये स्वाहा। ब्रह्मणे लोकाधिपतये स्वाहा। विष्णवे सर्वाधिपतये स्वाहा। येन देवाः पवित्रेण तुलापुरुषमारुह्य पुनरुद्धताम्। तमहं पवित्रं पवित्राणां तुलापुरुषमावाहयिष्यामि स्वाहा।

करालं पिंगलं बभ्रुं विश्वरूपमुमापतिं। यो हि वेदात्ततो जातस्त्वमृतं च महामतिः।

अंभसः पारे भुवनस्य मध्ये नाकस्य पृष्ठे महतो महिमानं महीयते। उदयति यो ब्रह्मासनं स नयति पुरायाति कं। यो भोजो ग्रहणजातो मनुजो महाध्वजः। एकाक्षरं बहु बहुयोजमान् वर्णप्रधानं बहुधा विश्वरूपः प्राणात् विहितोभिहितो विश्वकर्मणो नमो नम इति। स्वागतं भवते तुलापुरुषाय इदमासनमास्यतां भगवते। ततः पाद्यार्घाचमनमनुलेपनमाज्यदीपधूपनैवेद्यैश्चाभ्यर्च्य भगवंतं सपत्नीकं सपार्षतं पशुपतिमभ्यर्चयेत्। सपार्षतं सगणं। धूपमंत्रश्च भवति

"वनस्पतिरसो नित्यं गंधाढ्यो गंधसत्तमः। आहारः सर्वभूतानां धूपोऽयं प्रतिगृह्यताम्"॥

सर्वत्रायं धूपमंत्रः। अथ तुल्यं भवति महापशुर्येन शरेण विद्धो यच्चापि शस्त्रमुभयोर्लब्धलक्षतेनायसीतुलां सुकृतां कारयित्वा त्रिप्रादेशमात्रामुभयोर्जातशिक्यां महापशुर्महाभुजः। यच्छस्त्रमुभयोर्लब्धलक्षं उभयोराद्यंताभ्यां प्रहृतलक्षम्। आद्यंतयोस्तीक्ष्णं साद्विद्गमृगादिकं। अथवा उभयोः पार्श्वयोः प्रहृतलक्षं धाराद्वयेन प्रहृतलक्षं खड्गादिकं एवंविधेन लोहेन प्रादेशत्रयप्रमिता तुला कार्येत्यर्थः। उभयोर्जातशिक्यां पार्श्वद्वयकृतशिक्यां।

"सौवर्णी राजता वापि तुला देवी तु सा स्मृता। अथ चंदनवृक्षस्य खदिरस्याथ कारयेत्॥
"एतेषामप्यभावे तु तुलाऽन्या योपपद्यते। प्रतिमा चांदनी कार्या एकैव स्वभ्रसंज्ञिता॥
"उशीरस्यापरा कार्या तथा नरकसंज्ञिता। नदीमृत्तिकया वापि प्रतिमे द्वे तु कारयेत्॥

"विहिते सूपलिप्ते च तत्र बीजानि स्थापयेत्"॥ विहिते न्यूनाधिकरहिते। हारीतोक्तपलपरिमाणोपेत इति यावत्। सूपलिप्ते पृष्ठतः सुसंसृष्ट इति मंजर्याम्। पृष्ठभागे अवयविभागो यथा न जायते तथा समीकृते इति तात्पर्यार्थः। तत्र तत्स्थापनं प्रदेशे बीजानि व्रीह्यादिबीजानि स्थापयेत्।

"अदितिस्तु तुला माता स्वयंभूर्जनिता भव। त्वं हि सत्यं च धर्मश्च त्वयि लोकाः प्रतिष्ठिताः॥
"सत्यं वद सत्यवादिनि सत्येन रमतां मान्*। सस्यानां संपदं ब्रूहि किं सस्यं वर्द्धयिष्यसि॥
"बीजानां संपदं ब्रूहि किं बीजं वर्द्धयिष्यसि। राज्ञां च संपदं ब्रूहि कं नृपं वर्द्धयिष्यसि॥
"अस्माकं संपदं ब्रूहि किमस्मान् वर्द्धयिष्यसि।
"यदा तु गुरुमात्मानमसकृत्तुलया धृतम्। परं च लाघवं मन्ये ततः कर्म समारभे॥
"एतेनैव तु कल्पेन ब्राह्मणस्य विधीयते। राजन्यवैश्ययोश्चैव काष्ठप्रतिकृतस्मृते*"॥

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* एवं मूले।

परं च लाघवं मन्ये परशिक्यारोपितमश्मादि लघु यदा भवतीति **स्मृतिमंजर्यां** व्याख्यातम् । यदा तु गुरुमात्मानमित्यादेरयमर्थः । अत्रासकृत्तुलया धृतमित्याभिधानात् तथा 'राजन्यवैश्ययोश्चैव काष्ठप्रतिकृती स्मृत'इत्युक्तत्वाद्गंधादिप्रतिमाद्वयस्योक्तत्वाच्च स्वप्रतिकृतिरूपं प्रत्येकं पलपरिमितचंदनादिप्रतिमाद्वयं कृत्वा पलपरिमितपाषाणादि एकस्मिन् शिक्ये निक्षिप्य द्वितीयशिक्ये स्वप्रतिकृतिद्वयमपि पृथक् पृथक् निक्षिप्य तोलयेदिति । अत एवासकृत्तोलनं भवति । त्रिप्रादेशमात्रतुलाविधिरपि प्रतिकृतितोलन एवोपपद्यते । साक्षात्स्वरूपतोलने तस्या अपर्याप्तत्वात् । तथाश्वेताश्वो गुरुदक्षिणश्चिता गौर्गुरुप्रसादो वा नमस्तुलापुरुषायेति • **यम** इति । यत्किंचिद्दत्वा गुरुराचार्यः प्रसादनीयः । स एव प्रसादो वा दक्षिणेत्यर्थः । अश्वादिसंपादनासमर्थविषयमेतत् । अत्रानुष्ठानक्रमः । **हारीत**वचने तुलानुरोहणानंतरं होममंत्राः पठिताः । **यमेन** तूपक्रम एव । अतश्च होमे क्रमो विकल्प्यते । होमं कृत्वा उमामहेश्वरपूजां विधाय तुलाभिमंत्रणानंतरं महेश्वरः स्थितं प्रतिमाद्वयं तुलां पृथक् पृथक् पूर्वोक्तविधिनारोपयेत् । ततो वा होमः कर्तव्यः । स्मृतिद्वयेऽपि 'यदा तु गुरुमात्मानमि'त्युपक्रम्य 'ततः कर्म समारभेदि'त्युक्तत्वात् । तुलारोहणानंतरमेव आचामपिण्याकादिभक्षणादिना व्रतमाचरेत् । अत्र गुरुमित्युपलक्षणं साम्येऽपि कर्तव्यम् । तुलादिव्यप्रकरणे साम्येऽपि दोषयुक्तत्वाभिधानात् । एतच्च दोषसंदेहे । दोषनिश्चये तु दैवाल्लघुत्वेऽपि प्रायश्चित्तं कर्तव्यमेव । संदेहे तु लघुत्वे उत्तरत्र क्रियमाणं प्रायश्चित्तं न कर्तव्यमिति गम्यते । "आत्मानं लाघवं मन्ये ततः कर्म समारभेदिति" हेतूपादानात् । केवलपुण्योपार्जनार्थं तुलापुरुषकृच्छ्रकरणे गुरुत्वे साम्ये लघुत्वे च कर्तव्यमेव । विशिष्टस्यैव सुकृतोपादानहेतुत्वात् । **हारीतेन***... थोयमाषाद्यादिकालोऽभिहितः । सोऽपि सुकृतार्थिन एव दुरितोपेतस्य निमित्तानंतरमेव कर्त्तव्यत्वात् इति ।

अथ यावकव्रतं

"गोपुरीषाद्यवान्नं च मासं नित्यं समाहितः। व्रतं तु यावकं कुर्यात्सर्वपापापनुत्तये॥" इति **शंखः**।

"गोपुरीषयवाभ्यासो मासमेकं समाहित" इति पाठांतरम् । "गोभक्षणार्थं यवान्दत्वा तदनंतरं गोमयमध्यनिःसृतान्यवान् गृहीत्वा चरुवत्पक्वैस्तैरेकभक्तनक्तानि कुर्वन्मासं नयेदेतद्यत्किंव्रतं यवानामप्सु साधितानां सप्तरात्रं पक्षं मासं वा प्राशनं यावक" इति तु **देवलः** । यदा तु प्राग्वदेव यवानादाय गोमूत्रे पक्त्वा तैः प्राग्वदेव मासातिवर्तनं तदा गोमूत्रयावकव्रतमित्युच्यते । तदाह **योगियाज्ञवल्कः**

"आहूय चारयित्वा गां गोधूमान्यवामिश्रितान्। गोमयोत्थाश्च संगृह्य पचेत् गोमूत्रयावकमिति"। एवमुक्तप्रकारेण मासमेकं ग्रासमात्रं क्षीरेण वर्तनं पयोव्रतं। यत्र व्रते येन द्रव्येण शरीरयात्रा तद्वृत्तस्य तद्व्यपदेश्यत्वस्य **मार्कंडेय**सम्मतत्वात् ।

अथाघमर्षणव्रतं । मनुः (अ. ११ श्लो. २५९–२६०)

"त्र्यहं तूपवसेद्युक्तस्त्रिरह्नोभ्युपयन्नपः । मुच्यते पातकैः सर्वैस्त्रिर्जपित्वाऽघमर्षणम् ॥

"यथाऽश्वमेधः क्रतुराट् सर्वपापापनोदनः । तथाऽघमर्षणं सूक्तं सर्वपापापनोदनमिति ॥"

* सांदिग्धमिदम् ।

अत्रैव विशेषमाह विष्णुः "प्रत्यहं त्रिषवणस्नानमाचरेत् । त्रिः प्रतिस्नानमप्सु निमज्जन्मग्नश्च त्रिरघमर्षणं जपेत् । दिवा स्थितास्तिष्ठेद्रात्रावासीनः कर्मणोऽते पयस्विनीं दद्यादिति ।" अथैतत् प्रत्याम्नायाः । तत्र यावकव्रते पयोव्रते सपंचधेनवः षडुपवासाः प्राजापत्यमिति प्रत्येकं च षट्कसत्वात् यद्यपि यावकव्रते प्रतिदिनं यावकभोजनं तथाऽप्युक्तयावकभोजनस्यात्यंतक्लेशावहत्वादुपवासतुल्यत्वं पयोव्रते तु पयःपाने क्लेशाधिक्यादेका धेनुः । एवं गायत्रीजपाद्यपि कल्पनीयम् । पाकोत्तरमीषद्गोमूत्रयुक्तयावकपानं कृच्छ्रद्वयसमं सार्धं कृच्छ्रद्वयसममित्यन्ये त्रिंशन्मुक्तैर्दशोपवासास्तत्र कृच्छ्रचतुष्टयं कृच्छ्राब्दं त्रिंशद्धेनुसमं उपवासस्थाने एकविप्रभोजनं शक्तौ द्वयोः गायत्रीसहस्रजपः द्वादशप्राणायामा वा । अत्र प्रायश्चित्तप्रकरणे व्रतशब्दः सामान्यतो यावकपानवचनः । दिनरात्रिशब्दौ तत्तद्वचनावेव उपवाससमभिव्याहारे ह्यहोरात्रवचनौ । अहःशब्दश्चाहोरात्रपर इति व्यवस्था क्वचिदुक्ता ॥ ३२३ ॥

याज्ञवल्कीये ३२४ श्लोकः ।

अस्य योगरूढत्वमाह । **चंद्रस्येति** । नायं नियम इत्याह । **यदा त्विति** । अतिदेशमाह ।

मि. पृ. ३३८. **तस्योक्तो विधिः** । **कृच्छ्रे इति** । कृच्छ्रे प्राजापत्ये यो विधिरुक्तः 'तिष्ठेदहनी'त्यादि स सर्वोऽस्य बोध्यः । एवं तद्धर्मानतिदिश्य प्रकृष्टसाधारणधर्ममाह । **वपनं व्रतमिति** । अर्श आद्यच् । वपनपूर्वं व्रतं सामित्यर्थः । इदमग्रे स्फुटीभाविष्यति । अथ विशेषधर्मानाह । **श्वो भूतामिति** । पौर्णमासीं ग्रासोपक्रमातिथिं श्वोभूतामभिलक्ष्य पूर्वतिथौ चतुर्दश्यामुपवसेदित्यर्थः । **एताभिः** तिसृभिः । क्रमेणाह । **तर्पणमिति** । **हविष इति** पिंडकरणात्पूर्वं तदनंतरमाह । **यद्देवा इति** । होमस्तर्पणं च प्रतिमंत्रं । **अंते** उक्ताज्यहोमांते । **समिद्भिर्यज्ञियकाष्ठोद्भवाभिः** । यद्यपि देवकृतस्येत्येका ऋक् तथापि बहुवचनबलात्कपिंजलन्यायेन त्रित्वे पर्यसानादावृत्या तिस्रः समिधाहुतयोऽवांतरवाक्यानां षट्संख्या कृत्वा षट् वा पिंडकरणानंतरमाहों भूरितिवत्तत्तात्तिथिसंख्याकग्रासान्कृत्वा प्रणवादिषोडशभिः प्रतिमंत्रं तदनुमंत्रणं प्रतिपिंडपक्षांतरमाह । **मनसेति** । सर्वान् पिंडान् आसाधीति । यावदन्नं मुखे प्रविशति तावदित्यर्थः । चतुर्दश्यामुपोषितस्य पूर्णिमादितिथिषु ग्राससंख्यानियममाह । **पौर्णेति** । एवं पिपीलिकामध्यमुक्त्वा यवमध्यमाह । **विषेति** । अत्र ग्रासग्रहणकालश्चंद्रोदयः । स च दिवारात्रौ वेति तदनुसारेण ग्रासग्रसनं । तथा च **हारीतः** "चांद्रमसं चरुं श्रपयित्वा नवो नव इति हुत्वा ज्योत्स्नायां चतुःशेषान् पिंडान् सावित्र्यभिमंत्रितान्प्राश्नीयादिति" । ग्रासग्रसनसमये या तिथिस्तद्रूपा ग्राससंख्या । ज्योत्स्नाशब्देन चंद्रोदयो लक्ष्यते । तथा चार्धरात्रोदयेऽपि भोजने न दोषः । **आर्द्रामलेति** । तथा च **शंखः** "आर्द्रामलकमात्रास्तु ग्रासा इंदुव्रते स्मृताः । तथैवाहस्तपस्तत्र शौचार्थं चैव मृत्तिका ॥

"एकैकं ह्रासयेत् पिंडं कृष्णे शुक्ले च वर्धयेत् । उपस्पृशंस्त्रिषवणमेतच्चांद्रायणं स्मृतमिति"॥ **मौलायुक्तचांद्रायणापेक्षया** भिन्नमेव **गौतमोक्तं** । न तु तत्रैव प्रकारविशेषबोधकमित्याह । **यत्पुनरिति** । विपक्षे बाधकमप्याह । **यद्येतदिति** । योगार्थबाधमप्याह । **चंद्रेति** । तथा चात्र चांद्रायणशब्दो गौणोऽग्निमेष्विवेत्यर्थः । कुंडपायिनामयने मासमग्निहोत्रं जुहोतीतिवदिति बोध्यम् ॥ ३२४ ॥

याज्ञवल्कीये ३२५ श्लोकः ।

आदिना दिनद्वयमुपोष्यत §जीवयेद्वा त्रिंशदित्यादि । एवं चात्र तिथ्यपेक्षाया ग्रासनियमेन एष्वेव प्रकारे काचित् विशेषसंज्ञा मनुनोक्तेत्याह । **मनुना चेति** । चरेत् मासमिति शेषः । एवमग्रेऽपि । **न्यूनसंख्येति** । नवतिसंख्येत्यर्थः । हविष्याण्याह **स्मृतिः**

"हैमंतिकसितास्विन्नं धान्यं मुद्गास्तिला यवाः । कलापकंगुनीवारवास्तूकं हिलमोचिका ॥
"षष्टिकाः कालशाकं च मूलकं केमुकेतरत् । कंदं सैंधवसामुद्रे गव्ये च दधिसर्पिषी ॥
"पयोऽनुद्धृतसारं च पनसाम्रं हरीतकी । पिप्पली जीरकं चैव नागरंगं च तिंत्तिली ॥
"कदली लवली धात्री फलान्यगुडमैक्षवम् । अतैलपक्वं मनुयो हविष्यान्नं प्रचक्षते ॥"

अगस्तिसंहितायां नारिकेलफलं चैवेति । अत्र हैमंतिकपदं वार्षिकधान्यव्यतिरेकः । सितपदेन श्यामतुषश्यामतंडुलयोर्निवृत्तिः । आस्विन्नपदेन स्विन्ननिवृत्तिः । "हरिद्रागोरसं धान्यं फलं लवणमौषधमि-" त्यादिवचनेन दिनांतरेण स्विन्नधान्यभोजनेऽपि दोषाभावात् । कलापपदेन वर्तुलो ग्राह्यः । 'कालायस्त्रिपुटो ज्ञेय" इति **वैद्यकशास्त्र**विधानस्य 'कलापश्चातिवातुल' इति प्रकरणीयत्वात् । कंगुकं गुणिका । नीवारो जलधान्यविशेषः । वास्तूकं लंबपत्रं वाफ्कत्वेन प्रसिद्धं । कालशाकं कालवात्वेन पर्वतप्रसिद्ध ईषत् श्यामपत्रः शाकविशेषः । केमुकेतरत् कंदमित्यन्वयः । केमुकः किडआ इति पूर्वदेशे प्रसिद्धः कंदविशेषः । तदितरं तद्भिन्नं सूरणादीत्यर्थः । गौडास्तु 'कंदकं केमुकेतरदिति' पठित्वा मूलकमिति व्याचख्युः । पयोऽपि गव्यमेव दधिसंनिधानात् । तिंतिली चंचेर्ति शास्त्रे प्रसिद्धा । अंबिलीति मध्यदेशे प्रसिद्धा । लवली दाडिमी । धात्री आमलकी । अगुडमित्यैक्षवविशेषणम् । तथा चेक्षुरस इत्यर्थः । अतैलपक्वमिति तैलपक्वनिषेधः । तेनापक्वं घृतपक्वं वा हविष्यमुक्तद्रव्यमित्युक्तं भवति । इदमुपलक्षणं । निषिद्धेतरत्त्वयमरण्यसंभवं पुष्पमूलफलशाकादिकं सर्वं हविष्यम् । शाकेषु मुख्या किलका कमाचीत्यादि **वामनपुराण**दर्शनात् । यथा

"हविष्येषु यवा मुख्यास्तदनुव्रीहयः स्मृताः । माषकोद्रवगौरादीन्सर्वालाभेऽपि वर्जयेत्" ॥

अत्र गौरो गुर्जरदेशे प्रसिद्धः । पशुभक्ष्यो मसूराकृतिरन्नविशेषः । श्वेतसर्षप इत्येके । तन्न । तस्य भक्ष्यत्वे मानाभावात् । आदिपदात् कुलस्य मंडूकादिसर्वालाभेपीति । अनिषिद्धचीणकाद्यभावेऽपीत्यर्थः । अत्र यद्यपि जलं नोक्तं तथापि हविष्यस्य जलव्यतिरिक्तभक्षणासंभवादगत्या तदपि हविष्यं बोध्यम् । अत्र **बौधायनः**

"यथोक्तवस्त्वसंपत्तौ ग्राह्यं तदनुकारि यत् । यवानामिव गोधूमा व्रीहीणामिव शालयः" ॥

अत्र तदनुकारीति घृताभावे नालिकेरादिफलप्रभवस्नेहः । मुद्गाभावे नकुष्ठादिः । सैंधवाभावे स्वयंकृतलवणादिरित्यर्थ इति केचित् । मम त्विदं प्रतिभाति । पारिभाषिकमध्ये यवा मुख्यास्तदभावे व्रीहयस्तदलाभे तद्भिन्नाः पारिभाषिताः । तदभावे गोधूमादयोऽनिषिद्धास्ते दनुकारिभूताः । माषादीनां तु सर्वथा ग्रहणमिति । सावनेति । तथा चात्र चांद्रायणे पूर्वप्रक्रांतैकादश्यादिव्रतलोपो न तिथिनियमेन ग्रासनियमभावात् । आद्ये तु तिथिनियमेन ग्रासनियमात्तद्दशैकादश्यादि-

§ संदिग्धम् ।

व्रतलोपो न दोषावहः। अन्येन वा तत्कारणीयं न दोष इति चंद्रगत्यनुसरणं विना तादृशसावनमासानुष्ठेयत्वादिति भावः। एवं चात्रोपक्रमः प्रतिपद्येवेति न नियम इति तात्पर्यम्।

मि. पृ. ३३९ विरोधं परिहरति। **यत्पुनरिति। तेन हारीतेन।** चतुस्त्रिद्व्यादिक्रमेणास्तमानां ह्रासात्पुनरेकादिक्रमेण वृद्धेश्चतुर्थी कृष्णैवेत्याह। **कृष्णेति।** एतेन न त्रिरात्रमित्युक्त्या मुखे एव दाह इति प्रतीयते तथापि स्तनस्य साक्षात्तृप्त्यसाधनत्वात्पयस्तत्वाद्ग्नौ होमो प्रोक्तस्तस्य 'द्रव्यसाध्यत्वादुपस्थितमिति' **न्यायेन** क्षीरत्यागे नान्याकल्पनाया अन्यथात्वात्तत्रत्यं क्षीरं गृहीत्वा या ते सोमेत्यादिमंत्रैः प्रतितिथि एकैकामाहुतिं हुत्वा पयः पिबेत्। चांद्रायणधर्मातिदेशाच्चंद्रोदये एव पानमंत्रोहान्याह। **या ते सोम पंचमीति।** एवममापर्यंतं कृत्वा प्रतिपदादि प्रथमा तनूरित्यादि प्रयोगाः। यथार्था इति। तथा च चतुर्थीद्वादशीमध्ये यदतिक्षयादि न तथेदमनुष्ठेयम्। **तदशक्तेति।** एवं च पूर्वोक्तं शक्तविषयं बोध्यम्।

अथैतत्प्रत्याम्नायाः। तत्राद्यचांद्रायणद्वयस्य **मूलोक्तस्य गौतमोक्तस्य** चाष्टधेनवः समृद्धधनस्य "अष्टौ चांद्रायणे देयाः प्रत्याम्नायविधौ सदेति" **चतुर्विंशतिमतात्** वृषभसहिता गौश्चात्र दक्षिणा सार्धं सप्तधेनवो **मौलस्येति शूलपाणिः।** अल्पधनस्य तु तिस्रः।

"प्राजापत्ये तु गामेकां प्रतिकृच्छ्रे द्वयं स्मृतं। चांद्रायणे पराके च तिस्रस्ता दक्षिणा तथेति" **पराशरात्।** **स्वल्पेति।** कर्तव्यतासहितयोरपीदं। तदभावे निष्कादि। यद्वा प्रतिधेन्वयुतगायत्रीजपः। धेनुसंख्या उदवासाः प्राणायामशतद्वयानि वेदपारायणानि तिलहोमसहस्राणि द्वादशविप्रभोजनानि तथा स्नानानि। एते विकल्पा न व्रीहिवत् किंतूदितानुदितहोमवत्। व्यवस्था च देशाद्यपेक्षया। "देशं कालं तथाऽऽत्मानमिति" **बौधायनात्** (१।५।४७)। तत्र शौचशब्देन शुद्धिसाधनं सर्वं। एवमन्यत्रापि बोध्यम्। "यतिचांद्रायणं प्राजापत्यचतुष्टयसममिति" **बृहद्विष्णुः।** एवं शिशुचांद्रायणमपि पादोनचतुष्टयधेनुदानमुभयत्रेति **शूलपाणिः।** ऋषिचांद्रायणेऽपि तावद्देवेति धेनुत्रयमिति च चिंत्यमुपपत्तेरभावात्।

अथ **गोवधव्रतम्। याज्ञवल्क्यः** (प्रा. २६३)

"पंचगव्यं पिबेद्गोघ्नो मासमासीत संयतः। गोष्ठे शयो गोनुगामी गोप्रदानेन शुद्ध्यति"। मासे नवतिमासेन क्लेशाधिक्या यत् किंचिदधिका च धेनवः सोमायनः। यद्यपीदं प्रागुक्तं तथापि स्पष्टीक्रियते। इत्थं हि तेन शुद्ध्यति।

"कृच्छ्रं चैवातिकृच्छ्रं च चरेद्वाऽपि समाहितः। दद्यात्त्रिरात्रं चोपोष्य वृषभैकादशस्तु गाः॥" अत्र प्रेतचतुष्टयं विहितं। आहारांतरनिरपेक्षेण पंचगव्यं पिबन्। रात्रौ गोशालायां शयानः। प्रातस्ता एव वनं गच्छंतीरनुगच्छन् तिष्ठंतीरनुतिष्ठन्। अन्यैरपि नियमैर्युक्तो मासमासीत। ततो मासांते गा ब्राह्मणाय दत्वा शुद्ध्यतीत्येकं व्रतम्। पंचगव्याहारव्यतिरेकेण पूर्वोक्तधर्मयुतो मासं प्राजापत्यं कृच्छ्रं चरेदिति द्वितीयम्। तथैव प्राजापत्यस्थाने। अतिकृच्छ्रं मासं चरेदिति तृतीयम्। त्रिरात्रोपवासं कृत्वैको वृषभो दश गाश्च दद्यादिति चतुर्थम्। अत्रेयं व्यवस्था। अज्ञानतो जातिमात्रब्राह्मणसंबंधिगोमात्रवधे "दद्यात् त्रिरात्रमुपोष्य वृषभेकादशास्तु गा" इत्येतत्। अज्ञानतः क्षत्रियसंबंधि गोमात्रव्यापादेन मासं पंचगव्याशित्वं प्रथमं प्रायश्चित्तम्। अज्ञानतः वैश्यसंबंधि गोमात्रव्यापादने मासमतिकृच्छ्रं कुर्यात्। अज्ञानतः शूद्रस्वामिगोमात्रवधे मासं प्राजापत्यव्रतं

कुर्यात् । कामतस्तु तद्द्वैगुण्यं कल्प्यं । अथवा मन्वाद्युक्तानि व्रतानि पूर्वोक्तेषु विषयेषु विषयांतरेषु देशकालशक्त्याद्यपेक्षया योज्यानि ।

अथ मासोपवासव्रतं ।

चिन्तामणौ नारद उवाच

"भगवन् श्रोतुमिच्छामि व्रतानामुत्तमस्य च । विधिं मासोपवासस्य फलं चास्य यथोदितं ॥
"यथाविधा नरैः कार्या व्रतचर्या यथा भवेत् । आरभ्येते यथापूर्वं समाप्यं हि यथाविधि ।
"यावत्संख्यं च कर्तव्यं तावद् ब्रूहि पितामाह । व्रतमेतत्सुरश्रेष्ठ विस्तरेण समानवं ॥

ब्रह्मोवाच

"साधु नारद यच्चैतत्पृष्टं चर तपोधनं । यादृक् मतिमतां श्रेष्ठ तच्छृणुष्व ब्रवीमि ते ॥
"सुराणां च यथाविष्णुस्तपतां च यथा रविः । मेरुः शिखरिणां यद्वद्वैनतेयश्च पक्षिणाम् ॥
"तीर्थानां च यथा गंगा प्रजानां तु यथा वणिक् । श्रेष्ठः सर्वव्रतानां तु तद्वन्मासोपवासनं ॥
"सर्वव्रतेषु यत्पुण्यं सर्वतीर्थेषु तेन तु । सर्वदानोद्भवं चापि लभेन्मासोपवासकृत् ॥
"अग्निष्टोमादिभिर्यज्ञैर्विविधैर्भूरिदक्षिणैः । न तत्फलमवाप्नोति यन्मासपरिलंघनात् ॥
"तेन तप्तं हुतं दत्तं तपस्तप्तं कृतं स्वधा । यः करोति विधानेन नरो मासमुपोषणम् ॥
"प्रविश्य वैष्णवं यज्ञं तेनाभ्यर्च्य जनार्दनम् । गुरोराज्ञां ततो लब्ध्वा कुर्यान्मासोपवासनम् ॥
"वैष्णवानि यथोक्तानि कृत्वा सर्वव्रतानि च । द्वादश्यादीनि पुण्यानि ततो मासमुपाचरेत् ॥
"अतिकृच्छ्रं पराकं च कृत्वा चांद्रायणं ततः । मासोपवासं कुर्वीत ज्ञात्वा देहबलाबलम् ॥
"वानप्रस्थो यतिर्वाऽपि नारी वा विधवा मुने । मासोपवासं कुर्वीत गुरुविप्राज्ञया ततः ॥
"आश्विनस्यामले पक्षे एकादश्यामुपोषितः । व्रतमेतत्तु गृह्णीयाद्यावत्त्रिंशद्दिनानि च ॥
"वासुदेवं समभ्यर्च्य कार्तिके सकले नरः । मासं चोपवसेद्यस्तु स मुक्तिफलभाग्भवेत् ॥
"अच्युतस्य लभेद्भक्त्या त्रिकलं कुसुमैः शुभैः । मालतींदीवरैः पद्मैः कमलैः सुसुगंधिभिः ॥
"कुंकुमोशीरकर्पूरैर्विलिप्य वरचंदनैः । नैवेद्यधूपदीपाद्यैरर्चयेत्तु जनार्दनम् ॥
"मनसा कर्मणा वाचा पूजयेद्गरुडध्वजम् । कुर्यान्नरास्त्रिबंद्धर्णबृहद्वक्तिजितेंद्रियम् ॥
"नाम्नासेन तथालापं विष्णोः कुर्यादहर्निशम् । भक्त्या विष्णोः §स्तुतिं वाऽपि मिथ्यावादं विवर्जयेत् ॥
"सर्वसत्वदयायुक्तः शांतवृत्तिरहिंसकः । न सुप्तो वा न संस्थो वा वासुदेवं प्रकीर्तयेत् ॥
"स्मृत्यालोभनगंधादिस्वादनं परिकीर्तनम् । अन्नस्य वर्जयेत्सर्वं ग्रासानां चाभिकांक्षणम् ॥
"गात्राभ्यंगशिरोभ्यंगं तांबूलं साविलेपनम् । व्रतस्थो वर्जयेत्सर्वं यच्चान्यत्र निराकृतम् ॥
"न व्रतस्थ स्पृहेत्किंचिद्द्विविधस्था न चालयेत् । देवतायतने तिष्ठेच्चागृहस्थश्चरेद्व्रतम् ॥
"कृत्वा मासोपवासं तु यथोक्तविधिना नरः । नारी वा विधवा साध्वी वासुदेवं समर्चयेत् ॥
"अन्यूनाधिकमेवं तु व्रतं त्रिंशद्दिनैरिदम् । कृत्वा मासोपवासं तु संयतात्मा जितेन्द्रियः ॥
"ततोऽर्चयेत् वैगुण्यं द्वादश्यां गरुडध्वजम् । पूजयेत्पुष्पमालाभिर्गंधधूपविलेपनैः ॥
"वस्त्रालंकारवाद्यैश्च तोषयेद्युतं नरः । स्नापयेच्च हरिं भक्त्या तीर्थे चंदनवारिणा ॥
"चंदनेनानुलिप्तांगं धूपपुष्पैरलंकृतम् । वस्त्रदानादिभिश्चैव भोजयेच्च द्विजोत्तमान् ॥

§ स्तुतिं इति मूलपाठः ।

"दद्याच्च दक्षिणां तेभ्यः प्रणिपत्य क्षमापयेत् ! विप्रान्क्षमापयित्वा तु विसृज्याभ्यर्च्य पूज्य च ॥
"एवं वित्तानुसारेण भक्तियुक्तेन शक्तितः । एवं मासोपवासं तु कृत्वाऽभ्यर्च्य जनार्दनम् ॥
"भोजयित्वा द्विजांश्चैव विष्णुलोके महीयते ।
"एवं मासोपवासान्हि सम्यक्कृत्वा त्रयोदश । निर्वापयेत्कृतास्तान्यैर्विधिना* येन तच्छृणु ॥
"कारयेद्वैष्णवं यज्ञमेकादश्यामुपोषितः । पूजयित्वा तु देवेशमाचार्यानुज्ञया हरिम् ॥
"अर्चयित्वा हरिं भक्त्या अभिवाद्य गुरूंस्तथा । ततोऽनुभोजयेद्विप्रान्भोजयीत यथाविधि ॥
"विशुद्धकुलचारित्रान्विष्णुपूजनतत्परान् । पूजयित्वा द्विजान्सम्यग्भोजयित्वा त्रयोदश ॥
"तावंति वस्त्रयुग्मानि भोजनाच्छादनानि च । योगपट्टानि शुभ्राणि ब्रह्मसूत्राणि ते* व हि ॥
"दद्याच्चैतद्द्विजाग्रेभ्यः पूजयित्वा प्रणम्य च ।
"ततोऽनुकल्पयेच्छायां शस्तास्तरणसंस्कृताम् । साच्छादनां शुभां श्रेष्ठां सोपधानामलंकृताम् ॥
"कारयित्वात्मनो मूर्तिं कांचनीं तु स्वशक्तितः । न्यसेत्तस्यां तु शय्यायामर्चयित्वा स्रगादिभिः ॥
"आसनं पादुका छत्रं वस्त्रयुग्ममुपानहौ । पवित्राणि च पुष्पाणि शय्यायामुपकल्पयेत् ॥
"एवं शय्यां तु संकल्प्य प्रणिपत्य चरान् द्विजान् । प्रार्थयेच्चानुमोक्षार्थं विष्णुलोकं व्रजाम्यहम् ।
"एवमभ्यार्चितो विप्रा वदेयुर्व्रतिनं सदा । व्रजपूजनिनश्रेष्ठविष्णोः स्थानमनामयम् ॥
"ततो विसर्जयेद्विप्रान्प्रणिपत्यानुगम्य च । ततस्तु पूजयेद्भक्त्या गुरुं ज्ञानप्रदायकम् ॥
"कृत्वा वासोपवासांश्च निर्वाप्य विधिवन्मुने । कुलानां शतमुद्धृत्य विष्णुलोकं व्रजेन्नरः ॥
"यस्मिन् जातो महापुण्ये कुले मासोपवासकृत् । सर्वपापविनिर्मुक्तो विष्णुलोके महीयते ॥
"नरो मासोपवासानां कर्ता पुण्यवतां नरः । पितृमातृकुलाभ्यां च समं विष्णुपुरं व्रजेत् ॥
"नारी वा सुमहाभागा यथोक्तव्रतमास्थिता । कृत्वा मासोपवासांश्च व्रजेद्विष्णुं सनातनम् ॥

नारदोवाच

"सुदुष्करमिदं देव मूर्छाग्लानिकरं नृणां । व्रतं मासोपवासाख्यं भक्तिं जनयतेऽच्युते ॥
"पीडितस्य भृशं देव मुमूर्षोर्व्रतिनस्तथा । त्यागो वाऽनुग्रहो वाऽथ किंतु कार्यं पितामह ॥

ब्रह्मोवाच

"व्रतस्थं कर्षितं दृष्ट्वा मुमूर्षुं वा तपोधनः । दृष्ट्वा तु ब्राह्मणस्तस्य कुर्वीतसम्यगनुग्रहं ॥
"अशृतं पायसे क्षीरमित्थमादसक्त्विशि । यथेह न वियुज्येत प्राणैः क्षुत्पीडितो व्रती ॥
"व्रती मूर्छागतं क्षीणं मुमूर्षुं क्षुत्प्रपीडितम् । पाययित्वा घृतक्षीरं रक्षेद्दत्वा फलानि च ॥
"अहोरात्रं च यो नित्यमेतस्थं परिपालयेत् । पयोमूलफलं दत्वा विष्णुलोकं व्रजेत सः ॥
"एवं मासोपवासस्थमारूढं प्राणसंशये । परीक्षेद......ब्राह्मणाज्ञया ॥
"नैते व्रतं विनघ्नंति हविर्विप्रानुमोदितम् । क्षीरोदधि गुरोराज्ञा अपो मूलफलानि च ॥
"एवं कृत्वाऽभिरक्षेत सगुडं पायसं तथा । पायसेद्रक्षितो यस्मात्समाप्नोति पुनर्व्रतम् ॥
"अथ विष्णुव्रतं विष्णुर्दाता विष्णुर्व्रती तथा । सर्वं विष्णुमयं ज्ञात्वा व्रतस्थं क्षीणमुद्धरेत् ॥
"यदा मुमूर्षुर्निश्चेष्टं परिग्लानोऽतिमूर्छितः । तदा समुद्धरेत्क्षीणमिच्छंतं विमुखोत्थितम् ॥
"परिपाल्य व्रती देहं व्रतशेषं समापयेत् । यथोक्तद्विगुणं तस्य फलं विप्रमुखोदितम् ॥
"इंद्रियार्थेष्वनासक्ता सदैव विमला मतिः । परितोषयतो विष्णुं नोपवासो जितात्मनाम् ॥

* एवं मूले ।

"किं तस्य बहुभिस्तीर्थैः स्नानहोमजपव्रतैः । येनेंद्रियगणो घोरो निर्जितो दुष्टचेतसा ॥
"जितेंद्रियः सदा शांतः सर्वभूतहिते रतः । वासुदेवं नरो नित्यमक्लेशं कर्तुमर्हति ॥
"कृत्वा न्यूनं यथोक्तं तु वैष्णवं पुरुषो व्रतम् । विष्णुलोकमवाप्नोति पुनरावृत्तिदुर्लभम् ॥
"ये स्मरंति सदा विष्णुं विशुद्धेनांतरात्मना । यं प्रयांति भयं त्यक्त्वा विष्णुलोकमनामयम् ॥
"विभाते चार्धरात्रे च मध्याह्ने दिवसक्षये । अच्युतं ये कीर्तयंति ते तरंति भवार्णवम् ॥
"आनंदितो वा दुःखार्तः क्रुद्धः शांतोऽथवा हरिम् । योऽनुकीर्तयते विष्णुं स गच्छेद्वैष्णवीं पुरीम् ॥
"गर्भजन्मजरारोगदुःखं संसारबंधनैः । विसर्जयेन्नरो नित्यं वासुदेवमनुस्मरन् ॥
"स्थावरे जंगमे चाप्सु स्थूले सूक्ष्मे शुभाशुभे । विष्णुं पश्यति सर्वत्र यः स विष्णुः स्वयं नरः ॥
"सर्वं विष्णुमयं ज्ञात्वा त्रैलोक्यं सचराचरम् । यस्य शांता मतिस्तेन पूजितो गरुडध्वजः ॥
"इति कल्पानुकल्पानां व्रतानामुत्तमस्य च । विष्णुलोकमवाप्नोति प्रसादाच्चक्रपाणिनः ॥
"विधिर्मासोपवासस्य यथावत्परिकीर्तितः । सुतस्नेहान्मुनिश्रेष्ठ सर्वलोकहिताय च ॥
"कृत्वा श्रुत्वा चरेद्भक्त्या नरो विष्णुपुरीं व्रजेत् । नाभक्ताय प्रदातव्यं न देयं दुष्टचेतसे" ॥

इति विष्णुरहस्ये मासोपवासव्रतम् ।

"आज्येनैव हि शालाग्नौ जुहुयाद्व्याहृतीः पृथक् । श्राद्धं कुर्याद्व्रतांते च गोहिरण्यादि दक्षिणाम् ॥
"स्त्रीणां होमो न दातव्यः पंचगव्यं तथैव च । **पराशरः**

"स्त्रीशूद्रस्य विशुद्ध्यर्थं प्राजापत्यं समाचरेत् । पंचगव्यं च कुर्वीत स्नात्वा पीत्वा शुचिर्भवेत् ॥"

स्त्रीशूद्रयोः पंचगव्यस्य विहितप्रतिषिद्धत्वाद्विकल्पः । **जाबालेन** शालाग्नौ होमं विधाय 'स्त्रीणां होमो न दातव्य' इति निषेधात् । गृह्याग्नावेव होमनिषेधः । ततश्च स्त्रीशूद्रयोरपि ब्राह्मणद्वारा लौकिकाग्नौ भवत्येव । अयं च होमांगहोमः । न तु कृच्छ्रप्रत्याम्नायभूतप्रधानहोमः । "आरंभे सर्वकृच्छ्राणां समाप्तौ च विशेषतः । आज्येनैव हि शालाग्नौ जुहुयाद्व्याहृतीः पृथगिति" **जाबालेन** विशेषोऽभिहितः । कृच्छ्रप्रत्याम्नायभूतयोस्तु प्रधानयोर्जपहोमयोः स्त्रीशूद्रयोर्नाधिकारः । तथा **चांगिराः**

"तस्माच्छूद्रं समासाद्य सदा धर्मे पथे स्थितम् । प्रायश्चित्तं प्रदातव्यं जपहोमविवर्जितम् ॥"

अत्र शूद्रशब्दः स्त्र्युपलक्षणार्थम् । तयोः समानधर्मत्वात् । **बौधायनः** (ध. सू. ३।८।४) "अहतं वासो वसानः"

"सावित्रीं व्याहृतीश्चैवं जपेदष्टसहस्रकम् । ओंकारमादितः कृत्वा रूपे रूपे यथा ततः ॥
"भूमौ वीरासने युक्तः कुर्याज्जाप्यं सुसंयतः । आसीनः शल्यविद्धो वा पिबेद्गव्यं पयः सकृत् ॥
"गव्यस्य पयसोऽलाभे गव्यमेव भवेद्दधि । दध्नोऽलाभे भवेत्तक्रं तक्राभावे तु यावकम् ॥
"एषामन्यतमं यत्तु उत्पद्येत [1] तत् भवेत् ।" शल्यविद्धो वेति वाशब्द उपमार्थे । शल्यविद्ध इव निश्चलः सन्नासीनः पयः पिबेदित्यर्थः । ये तु प्राणाग्निहोत्राधिकारिणस्तेषामपोशनकर्मानंतरं प्राणाहुतयोऽपि पंचभिर्ग्रासैर्भवंति । तत्र पूर्वोक्तप्रणवगायत्र्याद्यन्यतमैर्मंत्रैर्ग्रासानभिमंत्र्य

१ ख—न च ता भवेत् ।

प्राणाय स्वाहेत्यादिभिर्मन्त्रैः प्राणाग्नौ होमः कार्यः । यदा त्वेकद्वित्रिचतुरो बाधास्तत्र **बौधायनोक्तो** विशेषो ग्राह्यः । तद्यथा । "अश्नीयात्प्राणायेति प्रथमामपानायेति द्वितीयां व्यानायेति तृतीयामुदानायेति चतुर्थीं समानायेति पंचमं । यदा चत्वारस्तदा द्वाभ्यां प्रथमं यदा त्रयस्तदा द्वाभ्यां द्वाभ्यां पूर्वौ यदा द्वौ तदा द्वाभ्यामेवोत्तरमेकं सर्वैरिति" । अस्यार्थः । यदा चत्वारो ग्रासा भक्ष्यन्ते तदाऽग्रद्वितीयाभ्यां प्रथमं ग्रासं ग्रसेत् । तृतीयेन द्वितीयम् । चतुर्थेन तृतीयम् । पंचमेन चतुर्थम् । यदा त्रयस्तदाऽग्रद्वितीयाभ्यां प्रथमं तृतीयचतुर्थाभ्यां द्वितीयं पंचमेन तृतीयं । यदा द्वौ तदादितास्त्रिभिः प्रथममग्रिमाभ्यां द्वितीयं यदैकस्तदा सर्वैस्तदास इति ॥ ३२५ ॥

याज्ञवल्कीये ३२६ श्लोकः ।

सौरिभिरुयन्नवेत्यादिकृग्भिः । **तेनैव** । **मनुनैव** । न्यूनतामंगेषु निराचष्टे । **एतानि** मि. पृ. ३४० **चेति** । तत्फलितमाहाभ्युदेति । सिते सति दशस्थानान्याह । **भस्मेति** । पूर्वेद्युर्निशामुखे पर्षदुपदिष्टाविधिना संकल्प्य परेद्युस्त्रिषस्तवैति स्नानं प्रतिहोमाद्यंगकलापसहित- मि. पृ. ३४१ मनुतिष्ठेदित्यर्थः । अत्र मानमाह । **ग्रामादिति** । **निवृत्तिः** पापात् । **अनुकीर्तनं विष्णोः** ॥ ३२६ ॥

याज्ञवल्कीये ३२७ श्लोकः ।

उक्तेति बहुव्रीहिः । पौनरुक्तं परिहरति । **दुरितमिति** । निरपेक्षत्वे चांद्रायणांशे मानमाह । **गौ तेति** । तत्कृच्छ्रातिकृच्छ्रे सूचितस्यानुषंगोत्र अग्रेपि । अत एवाह । **केवलेति** । **गवामिति** । अत्र व्रतचतुष्टयं भिन्नं । **तेनैव** । **मनुनैव** । इह शास्त्रे । मूलादितात्पर्यार्थमाहै**तानि** मि. पृ. ३४२ **चेति** । विशेषमाह । **तथेति** । **तेनैव गौतमेनैव** । तत्वमुपपादयति । **न चेति** । न हीत्यर्थः । उपसंहरति । **किंचिद्वक्तु** । **तस्मादिति** । तथा च बाध्यबाधकभावे भौतिभावः । तमेव योजनाप्रकारमाह.। **तत्रेत्यादिना** । **तत्र** तेषां मध्ये । **तावंत्यः** षष्ट्याधिकशतत्रयमिताः । **तुल्यं** संपूर्णम् । इदमपि तावदेव । तदसंभव आह । **मूराशीर्थमिति** । निष्कं सुवर्णाश्चत्वारः । इदमपि तावदेव उक्त**यमगौतमादित** एव तावंतः धेनुमिताः । **कृच्छ्रः** प्राजापत्यं । **उदवासः** उदकवासः । स चाहोरात्रं । विरोधं परिहराति । **यत्त्विति** । नानुकण्य इत्याह । **न पुनरिति** । **वेदपारायणं** संहितामात्रपारायणम् । अत्र विधिरुच्यते । स्थण्डिलं कल्पयित्वाऽग्निमुपसमाधाय संपरिस्तीर्याज्येनैताभ्यो देवताभ्यो जुहोति । अग्नये सोमायेंद्राय विश्वेभ्यो देवेभ्य ऋषिभ्यां ऋग्भ्यो यजुर्भ्यः सामभ्यः श्रद्धायै प्रज्ञायै मेधायै धारणायै श्रियै ह्रियै सावित्र्यै सवित्रे प्रजापतये कांडऋषये सोमाय कांडऋषये अग्नये कांडऋषये विश्वेभ्यो देवेभ्यः कांडऋषिभ्यः सांहितीभ्यो देवताभ्य उपनिषद्भ्यो याज्ञिकीभ्यो देवताभ्य उपनिषद्भ्यो वारुणीभ्यो देवताभ्य उपनिषद्भ्यो हव्यवाहाय विश्वेभ्यो वारुणेभ्योऽनुमत्यै स्विष्टकृते च पृथक् पृथक् स्वाहाकारेण हुत्वा व्याहृतिभिश्च पुनः परिषिंचति समाप्ते चैता यजुषा तर्पयंति । एवमृग्वेदस्य

१ ख-बौधाझायनोक्तो ।

कांडऋष्यादि वर्जमास्विष्टकृतस्तेषां स्थाने शतर्चिभ्यो माध्यमेभ्यो गृत्समदाय विश्वामित्राय वामदेवाय यात्रये भरद्वाजाय जामदग्न्याय गौतमाय वसिष्ठाय प्रगाथेभ्यः क्षुद्रसूक्तेभ्यो महासूक्तेभ्यो महानाम्नीभ्य इति । ततो वेदादिमारभ्य संततमधीयीतेत्याह भगवान्बौधायनः ।

इति वेदपाराणविधिः ।

अथ वेदपारायणे कलशप्रतिष्ठापनादिप्रकारः ।

"तीर्थे देवालये गेहे प्रशस्ते सुपरिष्कृते । कलशं सुदृढं तत्र सुनिर्णिक्तं विभूषितम् ॥
"पुष्पपल्लवमालाभिः कुंकुमैश्चंदनादिभिः । मृत्तिकायवसंमिश्रा वेदिमध्ये न्यसेत्ततः ॥
"पंचाशद्भिः कुशैः कार्यो ब्रह्मा पश्चात् मुखस्थितः । स्नापितः स्थापितः कुंभे चतुर्बाहुश्चतुर्भुजः॥
"वत्स जान्वाकृतिं वेदमुत्तराग्रैः कुशैः कृतम् । ब्रह्मोपदाने दत्वा तं ततः स्वस्त्ययनं पठेत् ॥
"प्रतिष्ठां कारयेत्पश्चात्पूजाद्रव्यमथोच्यते ।
"यज्ञोपवीते नैवेद्यवस्त्रचंदनकुंकुमैः । स्रक्धूपदीपतांबूलैरक्षतैश्च पितामहम् ॥
"ब्रह्मजज्ञानमिति वा गायत्र्या वा प्रपूजयेत् । उपाध्यायं च संपूज्य यथापाठं पठेत्ततः ॥

इति वेदपारायणे कलशप्रतिष्ठादिप्रकारः ।

अथाऽनश्नन्पारायणविधिः ।

अथातोऽनश्नन्पारायणविधिं व्याख्यास्यामः । आसमाप्तेर्नाश्नीयाद्यथाशक्ति वाऽऽपः पयः फलान्योदनं वा हविष्यमात्रपन्नत्रयमुक्त्वा तदा शेषमधीयीत । ग्रामात्प्राचीमुदीचीं वा दिशमुपक्रम्याऽग्निमुपसमाधाय परिस्तीर्येध्मं प्रदायाज्येनैताभ्यो देवताभ्यो जुहोति । अग्नये सोमायेंद्राय प्रजापतये बृहस्पतये विश्वेभ्यो देवेभ्यो ब्रह्मणे ऋषिभ्य ऋग्भ्यो यजुर्भ्यः सामभ्यः श्रद्धायै मेधायै प्रज्ञायै धारणायै सदसस्पतये अनुमतये श्रियै ह्रियै सावित्र्यै सवित्रे प्रजापतये कांडऋषये सोमाय कांडऋषऋषयेऽग्नये कांडऋषये विश्वेभ्यो देवेभ्यः कांडऋषिभ्यः सांहितीभ्यो देवताभ्य उपनिषद्भ्यो याज्ञिकीभ्यो देवताभ्य उपनिषद्भ्यो वारुणीभ्यो देवताभ्य उपनिषद्भ्यो हव्यवाहनाय विश्वेभ्योऽरुणेभ्योऽनुमत्यै स्विष्टकृते च पृथक् स्वाहाकारेण हुत्वा व्याहृतीभिश्च पुनः परिषिंचति समाप्ते चैता यजुषा तर्पयति । एवमृग्वेदिनां कांडऋष्यादिवर्जमास्विष्टकृतस्तेषां स्थाने शतर्चिभ्यो माध्यमेभ्यो गृत्समदाय विश्वामित्राय वामदेवात्रये भरद्वाजाय जामदग्न्याय गौतमाय वसिष्ठाय प्रगाथेभ्यः क्षुद्रशक्तेभ्यो महासूक्तेभ्यो महानाम्नीभ्य इति । ततो वेदादिमारभ्य संततमधीयीत । यदंतरा विरमेत् त्रीन् प्राणायामानायम्य प्रणवं वा प्रविधाय यावत्कालमधीयीत ततः सर्वं निशो निशांतसंग्रामारण्यसलिलं लोप्य परिदध्यात् । आदावंते च ब्राह्मणभोजनं दक्षिणादानं च दद्यात् । य एतेन विधिना वेदमधीयीत स ततः पूतो वेदो भवति मनःशुद्धिश्च भवति द्वाभ्यां पारायणाभ्यां ऋग्भिश्चाभोजन इहाधीते । अनृतेभ्यः प्रमुच्यते त्रिभिर्बहुभ्यः पतनीयपातकेभ्यः शूद्रायां रेतः सिक्त्वा गंगाप्सु निमग्नश्च भवति चतुर्भ्यः शूद्रान्नभोजनात्तत्सेवनात्तत्स्त्रीसेवनाच्च पंचभिरयाज्ययाजनात्पूतो भवति । अग्राह्यग्रहणात् ग्राह्याग्रहणात् । असत्योपासनाच्च षड्भिर्ब्राह्मणस्य लोहितकरणात्स्त्रीलोहितकरणात् पशुहनना-

[1]सुवर्णस्तेयाच्चातिसंप्रयोगाच्च सप्तभिः प्राजापत्य इहानाचरणाद्यज्ञोपवेधनाच्च । अष्टभिश्चांद्रायणस्यानाचरणाद्गुरुतल्पगमनाद्रजस्वलागमनाच्च । नवभिः सुरापानादिसोमपानात् द्वादशभिः पूर्वजन्मेहजन्मकृतैः सर्वपापैर्विप्रः प्रमुच्यते । स्वर्गं गच्छति पितृंश्च स्वर्गलोकं गमयति अग्निष्टोमादीन्क्रतून्यजति तैः क्रतुभिरिष्टं भवति ।

वेदाध्यायी सदैव स्यादपाप्मा सत्यवाक्छुचिः । यं यं कामयते कामं तं तं वेदेन साधयेत् ॥ असाध्यं नास्ति यत्किंचिद्ब्राह्मणो हि फलं महत् । ब्राह्मणो हि फलं महदिति । समाप्ते चैता यजुषा तर्पयतीति समाप्ते समाप्ते यजुर्वेदपारायणे समाप्ते । एता देवताः पूर्वोक्ता अग्निसोमाद्याः । यजुषा तर्पयति यजुर्वेदेन सह तर्पयतीति यजुर्वेदपारायणे तस्य वेदस्य प्राधान्यमुच्यते । अथवा भूरादिव्याहृतिचतुष्टयात्मकं यजुःशब्देन गृह्यते । तेनैतदुक्तं भवति । नाशुचिहेतुभूते इत्यर्थः । नांतरा व्याहरेदिति । उपक्रांते वेदपारायणे मध्ये न व्याहरेन्नाध्यापयेत् । तथा लौकिकवचनमपि न ब्रूयात् । विदितनित्यनैमित्तिककर्मानुपयुक्तमुक्तिं न कुर्यादित्यर्थः । निशो निशांतरं संग्रामारण्यसलिलं लोप्य परिदध्यादिति । लोप्य द्वित्वापरिहाथवर्जयित्वेति यावत् । परिदध्यात्समापयेत् । निशांतरं निशीथा संध्या वा । सलिलं वृष्टिरुदकसमीपं भूमिका वा । निशादिकालात् देशांश्च वर्जयित्वा समापयेदित्यर्थः । स ततः पूतो वेदो भवतीति । वेदो भवतीति वेदात्मको भवति । उत्कृष्टज्ञानवान् भवतीत्यर्थः । द्वाभ्यां पारायणाभ्यां ऋषिश्चेति । ऋषिः पावमानीभिः पारायणद्वयं पावमान्यश्च मिलित्वोक्तफलाय कल्पंत इत्यर्थः । एवमुत्तरत्रापि पारायणत्रयगंगास्नानं च मिलित्वा साधनं । निमग्नश्च भवति । पूतो भवतीत्यर्थः । प्राजापत्यहानाचरणं प्रक्रांतप्राजापत्यानामननुष्ठानम् । एवं चांद्रायणस्यानाचरणम् । यज्ञोपवेधनम् । यज्ञविनाशः ।

इत्यनश्नन्पारायणविधिः ।

आहिनेति प्राग्द्वादश वा । ब्रह्मपुराणमाह । **गवामिति** । भोज्याः । पातकेष्टिस्तथैव च । अन्या वा पावमानेष्टिः समान्याहुर्मनीषिण इति गायत्रीदशसहस्रप्रभृतयः सप्तप्राजापत्यप्रत्याम्नाया इत्यर्थः । तत्समेषु पादोनमाहातीति । अतिदिष्टेष्वर्धमाह । **पातकेष्वेवाह । त्रैमासिकेत्यादित्रयमिति** । तथा च **धर्मविवृतौ**

"चांद्रायणं मृगारिष्टिः पवित्रेष्टिस्तथैव च । मित्राविंदापशुश्चैव कृच्छ्रत्रयमथापि वा ॥

"तिलहोमायुतं चैव वराकद्वयमेव च । गायत्र्या लक्षमेकं तु सामान्याहुर्मनीषिण" ॥ इति ।

त्रिषयामति तदसमर्थस्य प्रत्याम्नायाधिक्यमिति भावः । उत्तरार्द्धं तु अतिकृच्छ्रस्य द्वादशदिनसाध्यस्य मासाचरणेन तेषामेव संभवात् पक्षे **मानवे** पक्षे **मौले** यद्यथहोरात्राद्विर्भोजनमध्ये भोजनत्रयनिवृत्तौ सार्द्धोपवासः प्राप्नोति तथापि दिनत्रयेऽपि सकृत्भोजनादिकोपवासपरिकल्पनैव युक्तेत्याहै**कोपेति** । अयाचितेऽपि द्विवैकभोजनमिति पक्षेणाह । **सायंतनेति । गोवधेति** । व्रतचतुष्टयं प्राक्प्रदर्शितम् । तत्राज्ञानतो जातिमात्रब्राह्मणसंबंधिगोमात्रवधे त्रिरात्रमुपोष्य दश गाव एको वृषभश्च निष्कार्धं देयाः । त्रिरात्रोपवासाशक्तौ पूर्वोक्ता गावो वृषभश्च निष्कार्धं च देयम् । कामतश्चेद्द्विगुणम् ।

अज्ञानतः क्षत्रियसंबंधिगोमात्रव्यापादने पंचगव्यं पिबेत् । गोघ्नो मासमासीत संयतः गोष्ठे शयो गोनुगामी गोप्रदानेन शुद्ध्यतीति । अनेन प्रकारेण मासं पंचगव्यव्रतं चरित्वांऽते गां दद्यात् । एतत्

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१ ख–च्चातिसंप्रयोगाच्च ।

करणाशक्तौ व्रतस्थात्यंतक्लेशयुक्तत्वेन व्रतप्रत्याम्नायत्वेनाष्टौ गावः । एकां व्रतांते चेत्येवं नेवधनवो देयाः । "अष्टौ चांद्रायणं देयाः प्रत्याम्नायविधौ सदेति" उक्तेः । बहुक्लेशसाध्यत्वान्माससाध्यत्वाच्च समानविषयत्वेन युक्तमष्टधेनुपरिकल्पनम् । कामतश्चेत् षोडश धेनवः । एका च दक्षिणात्वेनेति सप्तदश गावः ।

अज्ञानतो वैश्यसंबंधिगोमात्रव्यापादने मासमतिकृच्छ्रं कुर्यात् । एतदाचरणाशक्तौ द्वादशदिनसाध्यपाणिपूरणान्नभोजनयुक्तातिकृच्छ्रप्रत्याम्नायत्वेन गोद्वयदानस्यातिकृच्छ्रप्रत्याम्नायप्रकरणं दर्शितत्वादत्र मासातिकृच्छ्रं पंच गावो भवंति। किंचित् भोजनत्रययुक्तस्य द्वादशदिनसाध्यातिकृच्छ्रस्य करणाशक्तौ तिस्रो गावो विहिता इति माससाध्ये कृच्छ्रे सप्त गावो निष्कार्द्धं च देयम् । उभयत्र कामतो द्वैगुण्येन क्रमेण दश पंचदश भवंति । गवामभावे मासप्राजापत्यातिकृच्छ्रप्रत्याम्नायप्रकरणोक्ताः प्रत्याम्नायाः शक्त्याद्यपेक्षया कर्तव्याः ।

अज्ञानतः शूद्रस्वामिगोमात्रस्यासावने मासप्राजापत्यविधानात्तदशक्तौ गोद्वयं निष्कार्द्धत्वं चेयम् । कामतः पंच गावः । तदशक्तावितरे पूर्वोक्ताः प्रत्याम्नाया इति । मासोपवासे तु बहुवासतुल्यप्राजापत्यप्रत्याम्नायत्वेन "प्राजापत्ये तु गामेकामिति" विधानात् । पंच गावो भवंति जपनियमाद्यनेकेतिकर्तव्यतोपेतमासव्रते तु क्लेशाधिक्यौपेतचांद्रायणव्रत इवाष्टौ गावः कल्प्याः । मासेतिमासं पंचगव्याशनेऽप्येवमेव । **पराकेति** । पराकाद्यशक्तौ प्राजापत्यत्रयं सांतपनाशक्तौ सार्द्धं प्राजापत्यमित्यर्थः । उपसंहरति । **एतदिति** । विरोधं परिहरति । **यत्पुनरिति** । एवमग्रेपि । किंनिगमनाविरहा एकत्र मासीति जलमुपपादयति । **वचेति** । **ततस्त्रीगमनविषये** इत्यर्थः । विशेषमाह । **यस्त्विति** । **स्मृत्यं चतुर्विंशतिमतं** । कृच्छ्रं प्राजापत्ये । **सर्वत्रेति** । तथा च वृत्तिर्दिनं पंचद्वितीये पंचदशतृतीये त्रिंशत् । तप्तकृच्छ्रे चतुर्थे चत्वारिंशत् । पंचमे षष्टिः षड्विंशतिः सप्तमे चतुर्विंशतिरिति भावः । आद्ये आहाऽत्र **चेति** । आद्ये इत्यर्थः । **द्वादशेति** । समुदितस्थाने द्वादश न प्रतिदिनं समानीत्युक्तेरिति भावः ।

अथ तीर्थप्रत्याम्नायाः । अत्र समूलत्वप्रदर्शनार्थमादित्यपुराणोक्त किंचिल्लिख्यते

"पांडवे राज्यलोभाय दुरितोपशमाय च । श्रीकृष्णनारदव्यासश्रीकंठेद्राजरोमस्थैः (?) ॥

"मार्कंडेयं पुलस्त्याय सप्तर्षिप्रमुखैस्तथा । द्वादशद्वादशाब्दानि कृच्छ्राण्याद्यापि भक्तितः ॥ तीर्थैरकुर्वन्नि"**त्यादिपुराणे** श्रूयते कथेति**स्मृतिसंग्रहस्मृत्यर्थसारा**दिभिरुक्तप्रकारेणास्माभिरपि लिख्यते । तत्र संकल्पपूर्वकं पद्भ्यां षष्टियोजनागतस्य भागीरथ्यां स्नानं षडब्दकृच्छ्रसमं । अत्र एकैकस्य यात्रायोजनस्य वृद्धावर्द्धकृच्छ्रवृद्धिः परिकल्पनीया । षष्टियोजनगतस्य भागीरथ्यां विध्युक्तस्नानेनैकः कृच्छ्रो भवति । मध्ये चेत्यपर्वतादिभिर्व्यवधानं भवति । पर्वताद्यभावे मार्गस्यादुर्गमत्वे च योजनागतस्य दुर्गमते अर्द्धयोजनादागतस्येत्येवं कल्पनीयम् । पूर्वं सप्तमातृका राक्षसभयान्नद्यो जाताः । गते च भवे पुनर्देवता अभवन् । ततो नद्यः शुष्काः तेषु स्नानेषु भागीरथी सममभवत् । तासु विष्णुगंगादिसप्तमातृकानामसु गंगासु स्नानं षष्टियोजनदागतस्य षडब्दकृच्छ्रतुल्यं प्रयागे गंगाद्वारे गंगासागरसंगमे च द्विगुणं यमुनायां विंशतियोजनागतस्य स्नानं ब्दकृच्छ्रसमम् । मथुरायां द्विगुणं सरस्वत्यां चत्वारिंशद्योजनागतस्य चतुरब्दसमम् । प्रभासे

द्वारवत्यां च द्विगुणम् । यमुनासरस्वत्योर्यात्रायोजनवृद्धौ पादकृच्छ्रवृद्धिः । ह्रासे पूर्वोक्तरीत्या कल्प्यं । दृषद्वतीप्सु शूद्राविपाशावितस्ताशरावतीमरुद्वृधामधुमतीपयस्विनीघृतवतीत्यादिदेवनदीषु स्नानं त्रिंशत्कृच्छ्रसमं पंचदशयोजनागतस्य । चंद्रभागावेत्रवतीसरयूगोमतीदेविकाकौशिकीनित्यजलामंदाकिनीसहस्रवक्त्रापौनःपुण्यापूर्णपुण्याह्वयागंडकीवारुण्यादिदेवनदीषु पंचदशयोजनागतस्य पंचदशकृच्छ्रसमम् । एतासु महानदीषु परस्परासंगमे योजनागतस्य कृच्छ्रत्रयफलं समुद्रगामहानदीभिः सह पूर्वोक्तवेदवेदेव नदीनां संगमे योजनागतस्य षट्कृच्छ्रफलम् । अनुक्तस्थलेषु यात्रायोजनसंख्यया कृच्छ्रसंख्या विज्ञेया । महानदेषु महानद्यर्द्धफलम् । शोणमहानदे तु गंगार्धफलम् । नदेषु नद्यर्धफलम् । गणमहानदीं । मेरुरामेश्वरं पद्मनाभं श्रीरंगं पुरुषोत्तमम् । कुरुक्षेत्रं नैमिषं बदर्याश्रमं । पुण्यारण्यं केदारं श्रीशैलं महालयं रुद्रकोटिपुष्करं नर्मदामात्स्यनकेश्वरं* कुब्जाप्रभासं । कोकामुखं च विजयेशं पुरींद्रपंचनदं गोकर्णं मथुरामयोध्यां द्वारवतीं गयां कांचीं शालग्रामं शंबलग्राममित्यादि मुक्तिक्षेत्राणि संसेव्य गंगासमं फलं लभेत् । चतुर्विंशति योजनागतस्य ताप्यामष्टकृच्छ्रसमम् । तथा पयोष्णायामपि । अत्र संगमे द्विगुणम् । षष्टियोजनागतस्य गोदानं त्र्यब्दकृच्छ्रसमम् । प्रणीतायामष्टयोजनांतर्गतस्याष्टकृच्छ्रफलम् । पूर्णायां तदर्धकृच्छ्रं वेणायां योजनसंख्यया कृच्छ्रसंख्या । ककुद्मिनीसंगमे दशयोजनागतस्य पंचदशकृच्छ्रफलम् । मलापहारिण्यां योजनसंख्यया कृ सख्या । तथा निवृत्यामपि । गोदावर्यां यात्रायोजनवृद्धौ पादकृच्छ्रवृद्धिः । सिंहे गुरौ सर्वत्र जान्हवीसमा । कन्यास्थे गुरौ कृच्छ्रं । वेण्यायां सर्वत्र जान्हव्यर्द्धम् । तुंगभद्रायां तुलास्थे रवौ कर्कटस्थे च गंगार्द्धम् । कृष्णवर्णायां मलापहारिणीसंगमे त्रिंशद्योजनागतस्य त्रिकृच्छ्रसमम् । भीमरथ्यासंगमे द्विगुणम् । तुंगभद्रासंगमे त्रिगुणम् । निवृत्तिसंगमे चतुर्गुणम् । ब्रह्मेश्वरे पंचगुणम् । मल्लिकार्जुनसमीपे पातालगंगायां षड्गुणम् । कावेर्यां महानद्यां दशयोजनागतस्य पंचदशकृच्छ्रफलम् । द्वादशयोजनागतस्य द्वादशकृच्छ्रसमम् । ताम्रपर्णीकीर्तिमलापयस्विदादीषु सत्यादिपादोद्भूतावन्द्यो योजनमविछिन्नप्रवाहरूपास्वैदैर्घ्यानुसारेण योजनागतस्यैकद्वित्रिकृच्छ्रफलप्रदाः । विंध्यश्रीशैलोद्भवा द्विगुणाः । हिमाचलोद्भूतास्त्रिगुणाः । स्मृतिपुराणादिषु यथाकथंचिदनुकुल्या योजनागतस्य त्रिरात्रफलदाः अल्पनद्यः कृच्छ्रफलप्रदाः । महानद्यः कृच्छ्रत्रयफलदाः । एकयोजनगादिषड्योजनगताः । स्रवंत्यः कुल्याः । तास्ता द्वादशयोजनगता अल्पनद्यः । चतुर्विंशतियोजनगता नद्यः । उपवाससहितं महानदीस्नानं योजनादर्वागपि कृच्छ्रसमम् । कुत्सितनाम्न्यो नद्यः पापनदाश्च वर्ज्याः । समुद्रस्नानं सर्वत्र दर्शे कार्यम् । देवतासमीपे महानदीसंगमेषु च सर्वदा कार्यम् । पंचदशयोजनागतस्य समुद्रस्नानं पंचदशकृच्छ्रफलम् । प्रसिद्धदेवतासमीपे द्विगुणम् । तत्र स्नात्वा तद्देवताद्यशिनं तु त्रिगुणं त्रिंशद्योजनं दूरात्सेतुगमनं त्रिंशत्कृच्छ्रसमम् । तत्र स्नात्वा रामेश्वरदर्शने द्विगुणम् । विंध्यदेशजानां सेतुरामेश्वरे जान्हव्यास्त्रिगुणं फलम् । तथैव जान्हवी केदारयोरपि । दक्षिणदेशीयानां जान्हव्यां षड्गुणम् । गंगादेशीयानां सेतुरामेश्वरे षड्गुणम् । सर्वत्र भाषाभेदपर्वतादिभिर्व्यवधाने मार्गस्य दुर्गमे चोक्तयोजनसंख्यातो योजनसंख्याह्रासेन कृच्छ्रादिफलानि कल्प्यानि प्रयासाधिक्यात् । सर्वे वैष्णवमाहेश्वरसौश्वरशाक्तेषु पीठेषु दर्शनेन योजनसंख्यया कृच्छ्रसंख्या । प्रख्यातेषु द्विगुणम् । तीर्थतीरपितृव्यस्थितस्यापि योजनपरिमितात् प्रदेशादागमनमंतरेणापि विधिवत्स्नात्वा धौतं वासः

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* एवं मूले ।

परिधाय शिरोरुहेष्वनार्द्रेषु सत्सु पुनः स्नातव्यम् । एवं द्वादशभिः स्नानैरेकः कृच्छ्रो भवति । परार्थगंतुः षोडशांशफलम् । प्रसंगगंता अर्द्धफलं लभते । अनुषंगेण तीर्थे प्राप्य स्नाने स्नानफलमेव लभते न यात्राफलम् । पितृपितामहभ्रातृमातामहपितृव्यमातुलश्वशुरपोषकार्थं गुर्वाचार्योपाध्यायार्थं तेषां य.त्रार्थं मातृष्वसृपितृष्वस्रर्थं स्नात्वा स्वयमष्टमांशं लभते साक्षात्पित्रोरर्थे कुर्वन्पुत्रश्चतुर्थांशं लभते दंपती च सपत्न्यश्च मिथोर्द्धफलं लभंते । देवलः

"अभिसंगम्य तीर्थानि पुण्यान्यायतनानि च । प्रमुच्यते नरः पापाद्ब्राह्मणांश्च तपस्विनः ॥
"सर्वाः समुद्रगाः पुण्याः सर्वे पुण्या नगोत्तमाः । सर्वमायतनं पुण्यं सर्वे पुण्या वनाश्रया "॥इति।

"अर्थिना तत्फले ह्रासः शुश्रूषाफलमीदृशम् । कर्कादौ मासद्वये निरंतरं रजस्वला नद्यः । तास्वपि गोमतीचंद्रभागासिंधुनर्मदासरय्वश्च त्रिरात्रं । वापीकूपादिषु स्थितपुराणोदकेषु त्रिरात्रं । सरस्वतीगंगायमुनादयो न कदापि रजस्वलाः । वाराणस्यामगणितं फलम् । तस्यां महापातकं न प्रविशति । कुल्यास्त्रिरात्रफलदा अल्पनद्यः कृच्छ्रदाः । नद्यो द्विकृच्छ्रदाः । महानद्यस्त्रिकृच्छ्रदाः । एकयोजनगंगादिषड्योजनगांताः स्रवंत्यः कुल्याः । ततो द्वादशयोजनगांता अल्पनद्यः । ततश्चतुर्विंशतियोजनगता नद्यः । तदधिकगमहानद्यः समुद्रगाश्च । उपवाससहितं नदीस्नानं कृच्छ्रसमं योजनादर्वागपि । शुनीगर्दभीचांडालीशूद्राकष्टादिनामकनद्यः पापनद्यश्च वर्जिताः । सर्वत्र समुद्रस्नानं दर्शे कार्यं । देवतासमीपसरिन्नदीसंगमेषु सदा कार्यं । समुद्रस्नाने पंचदशयोजनागतस्य पंचदश कृच्छ्राणि । एवमधिकयोजनागमनेऽधिकमूह्यं । तथा तीर्थेषु स्नानमपि कृच्छ्रादिफलकम् । तथा च जमदग्निः

"तीर्थेषु पादकृच्छ्रं स्यान्नद्यां कृच्छ्रफलं लभेत् । द्विगुणं तु महानद्यां संगमे त्रिगुणा भवेत्॥"

इति । नारदः

"अतिकृच्छ्रः पर्णकृच्छ्रः सौम्यकृच्छ्रश्च कृच्छ्रकः । महासांतपनं शोध्ये तप्तकृच्छ्रश्च पावनः ॥
"जपोपवासकृच्छ्रस्तु ब्रह्मकूर्चश्च शोधनः । एते व्यस्ता समस्ता वा प्रत्येकं ह्येकतोऽपि वा ॥
"महत्सु पातकेषूपपातकेषु च यत्नतः । कार्याश्चांद्रायणयुता केवला वा विशुद्धये ॥
"उपवासस्त्रिरात्रं वा मासः पक्षस्तदर्द्धकम् । षडहोद्वादशाहानि कार्यं शुद्धिमभीप्सतेति॥"

विश्वामित्रः

"उपपातकयुक्तानामनादिष्टेषु चैव हि । प्रकाशे च रहस्ये च अभिसंध्याद्यपेक्षया ॥
"शक्तिज्ञातिगुणान्दृष्ट्वा सकृद्बुद्धिकृतं लघु । अनुबंधादिकं दृष्ट्वा कल्प्यं सर्वं यथागमम् ॥
"प्रकाश उक्तं यत्किंचिद्विंशो भागो रहस्यके । त्रिंशद्भागः षष्ठिभागः कल्पो जात्याद्यपेक्षयेति॥"

यत्तु बृहस्पतिवचनं "जन्मप्रभृति यत्किंचिदिति" तस्य विषय उक्तः । तत्र पूर्वार्द्धे तन्निवृत्तये इति शेषः ।

"द्विजस्याब्धौ तु नौ यातुः शोधितस्याप्यसंग्रहः । अस्य वर्णागमाद्दुष्टैः संसर्गः शोधितैरपि" इत्यादि तु कलिनिषिद्धमध्ये स्पष्टम् । प्रायश्चित्तेषु वपनं केवलपुण्यार्थिनां तु नेत्युक्तं प्राक् । तत्र विशेषः । "केशानां नास्ति नारीणां वपनं व्रतयज्ञयोः । गोवधादिषु सर्वेषु छेदयेदंगुलित्रयम् ॥

"सधवानां तु नारीणामलंकाराय सर्वदा । केशसंधारणं प्रोक्तं प्रायश्चित्ते द्विजोत्तम ॥

इत्यत्र सधवाशब्दोपादानाद्विधवानां वपनमस्त्येव । नांगुलित्रयप्रमाणेन छेदः । वपनं च दिनत्रयसाध्यव्रते नखच्छेदनमात्रं षड्दिनसाध्ये श्मश्रुणोऽपि नवदिनसाध्ये शिखावर्जं तदूर्ध्वं सशिखम् त्रिषड्दिनयोः । स्त्रीणां नैव तत् । धेनुदानादावप्येवमेव । अस्य नैमित्तिकत्वात्सदा बद्धशिखेनेत्यनेन न विरोधः । "कृच्छ्राण्येतानि सर्वाणि कुर्वीत कृतवापन" इति **विष्णुः**। "द्वादशाहे संपूर्णो वपनमिति" **पैठीनसिः । अपरार्के**

"उदङ्मुखः प्राङ्मुखो वा वपनं कारयेद्बुधः । केशश्मश्रुलोमनखान्युदक्संस्थानि वापयेत् ।।
"दक्षिणं कर्णमारभ्य कर्मार्थे पापसंचये । शिखार्धं नवसंस्कारं शिखायंतं शिरो वपेत् ।।"

पापसंचये तन्निमित्ते प्रायश्चित्ते । संपूर्ण इत्युक्त्या ततो न्यूने न भवति । यत्र च द्विरात्रत्रिरात्रादि साध्यकृच्छ्राणामावृत्या द्वादशरात्रसमता तत्रापि वपनमस्त्येव । किंतु अक्षिरोमशिखावर्जं । "अक्षिरोमशिखावर्जमिति" **वशिष्ठोक्तेः** (२४।५) यत्र तु मुंड इत्यादिपदैर्विशेषविधिस्तत्र तथैव वपनं कार्यम् । राजा वेति वाक्ये राजादय उपलक्षणम् । यत्र राजादीनामप्येवं किमुतान्येषामिति । विद्वद्विप्रेति वाक्येनेष्यते सर्वात्मना न विधीयते वपनं किंतु तदभावेऽपि द्विगुणव्रताचरणे शुद्धिरित्यर्थः । इदं च सर्वाधिकृतवर्णसाधारणं विशेषानुक्तेः । कृच्छ्राणामिति तद्विधिवाक्ये निरुपपदकृच्छ्रशब्दोक्तेरिति । **अथ सामान्येन पापनिष्कृतिहेतवः । तत्र गौतमबौधायनौ** (१९।११।१०) "तस्य निष्क्रियमाणानि जपस्तपो होम उपवासो दानं उपनिषदो वेदांतः[१] सर्वच्छंदः सुसंहितामधून्यघमर्षणं अथर्वशिरो रुद्राः पुरुषसूक्तं राजन्यारोहिणे सामनी बृहद्रथंतरपुरुषगतिर्महानाम्नो महावैराजं महादिवाकीर्त्यं ज्येष्ठसाम्नामन्यतमं बहिः पवमानं कूष्मांडानि पावमान्यः सावित्री चेति पावनानि। पयोव्रतानाशिकफलभक्षता प्रसृतयावको हिरण्यप्राशनं घृतप्राशनं सोमपानमिति मेध्यानि। सर्वे शिलोच्चयाः सर्वाः स्रवन्त्यः पुण्याह्रदास्तथान्यृषिनिवासा गोष्ठपरिष्कंदा इति देशा। ब्रह्मचर्यं सत्यवचनं सवनेषूदकोपस्पर्शनम् । आर्द्रवस्त्रता अधःशायिता अनाशकता इति तपांसि । हिरण्यं गौर्वासोऽश्वो भूमिः तिला घृतमन्नमिति देयानि । संवत्सरः षण्मासाश्चत्वारस्त्रयो द्वावेकश्चतुर्विंशत्यहो द्वादशाहः षडहस्त्र्यहा अहोरात्रे इति कालाः । एतान्येवानादेशे विकल्पेरन्नेनसि गुरुणि गुरुणि लघुनि लघुनि। कृच्छ्रातिकृच्छ्रौ चांद्रायणमिति सर्वप्रायश्चित्तमिति" । अस्यार्थः । तस्य पापस्य निष्क्रियमाणानि संशोधकारणानि जपादीनामन्यतमस्यापि पापापनिर्हणहेतुत्वमस्त्येव । प्रत्येकमसमस्तेनेन निर्देशात् [illegible] दारण्यकादयो वेदांतः । उपनिषत्वेऽपि बृहदारण्यकादीनां पृथगुपादान[illegible] । सर्वशाखासु पदक्रमरहिता मंत्रग्रंथाः । सर्वछंदः सुसंहिताः मधुवाता इत्यादीनि यजूंषि मधूनि । 'ऋतं च सत्यं चेति' सूक्तमघमर्षणम् । अथर्वशिरः अथर्ववेदैकदेशः प्रसिद्धः । 'नमस्ते रुद्र मन्यव' इत्यध्यायो रुद्राः । सहस्रशीर्षेत्यध्यायः पुरुषसूक्तम् । राजन्यारोहिणे सामनी 'इंद्रं नरो नेमधिता हिरण्याय' इत्यस्यामृचि गीयेते । बृहद्रथंतरे 'त्वामिद्धि हवामहे' । 'अभि त्वा शूर नोनुम' इत्यनयोर्गीतिः पुरुषगीतिः । अहमस्मि प्रथमजा तस्येत्यत्यांगिरसः विदामघवन्नित्याद्या ऋचो महानाम्न्यः । पिबा सोममृतस्येत्येतस्यां गीतं महावैराजम् । बिभ्राड्बृहत्पिबतु सोम्यं मधि-

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१ निष्क्रयणानि इति गौतमीयपाठः ।

त्यस्यां गीतं सामैव दिवाकीर्त्यम्। अच्छादोहाख्यानि सामानि पृष्ठसामानि। उपास्मै गायतेति स्तोत्रं वहिःपवमानम्। यद्देवा देवहेडनमित्यादीनि यजूंषि कूष्मांडानि। स्वादिष्ठया मदिष्ठयेत्याद्या ऋचः पावमानः। सन्दितमयमध्यस्थितयवसाधिता यवागूः प्रसृतयावकः। गोष्ठं प्रसिद्धम्। परिस्कंदानोवजनमार्गः। सर्वप्रायश्चित्तं सर्वत्रादेशेऽनादेशे च प्रायश्चित्तमिति। प्रायश्चित्तं च अष्टमीचतुर्दश्योर्न कार्यम्। चतुर्दश्यां संकल्प्यामायां कार्यमिति शिष्टाचारः। तत्र पापं द्विविधम्। रहस्यं प्रकाशं च। कर्तृव्यतिरिक्तैरज्ञानदोषो रहस्यम्। तत्र प्रकीर्णकादिषु रहस्येषु च विंशतिप्राणायामाः। उपपातके ताद्दशिशतम्। अनुपातके द्विशतम्। अतिपातके त्रिशतम्। महापातके चतुःशतम्। सर्वत्राभ्यासे द्विगुणम्। मत्या त्रिगुणम्। मत्याभ्यासे चतुर्गुणम्। यद्वा गायत्र्या लक्षजपो महापापं पादोनलक्षजपोऽतिपापे अर्द्धं लक्षमनुपापे मत्या द्विगुणपादलक्षमुपपापे तदर्धार्धं। प्रकीर्णकादिषु अन्यान्यपि रहस्यप्रायश्चित्तानि निबंधेभ्य ऊह्यानि। अविद्वान्मुखांतरेण व्याजात् प्रायश्चित्तं ज्ञात्वा रहश्चरेत्। विद्वांस्तु स्वयमेव दशलक्षगायत्रीजपः प्रायश्चित्तम्।

"सर्वेषामेव पापानां संकरे समुपस्थिते। दशलक्षं समभ्यस्ता गायत्री पावनं महत्॥"

इति स्मरणात्। तथा भस्मच्छन्नो भस्मशयनो रुद्रजापी सर्वपापात् मुच्येत। स चैकादशवारं। अत्र सर्वशब्देन महापापव्यतिरिक्तं ग्राह्यमिति केचिन्महापापान्यपि सर्वशब्देनेत्यपरे। पुरुषसूक्तं प्रत्यहं षोडशकृत्वो जपन् मासेन शुद्धयेत्। अत्रातारविशेषानुक्तौ पयःप्रभृतयः शिलोच्चयादयो माघादयश्च देशकालौ अतिरिक्तेषु व्याहृतिभिराचमनम्। एवं ख्यापनानुतापाध्ययनतपांस्यपि पापनाशकानि ख्यापनसभासु पुण्यस्थानेषु स्वव्यापकथनपूर्वकमात्मनिंदनं अध्ययनं वेदस्य वेदांतादेश्च उपदिष्टप्रायश्चित्तेषु तु एतदंगं अन्यथा तद्विधिरफलः स्यात्।

"कृते पापेऽनुतापो वैषम्यपुंसः प्रजायते। प्रायश्चित्तं तु तस्योक्तं हरिं संस्मरणं परम्॥

"प्रातर्निशि तथा संख्या मध्यान्हादिषु संस्मरन्। नारायणमवाप्नोति सद्यः पापक्षयं नरः॥"

इति **विष्णुपुराणे**

"नारायणपरा वेदा नारायणपराः क्रियाः। नारायणपरो धर्मो नारायणपरा गतिः॥

"नारायणपरं सत्यं नारायणपरं तपः। नारायणपरो मोक्षो नारायणपरा स्तुतिः॥

"नारायणपरं ज्ञानं नारायणपरं पदमिति"। **हरिवंशे**। चत्वारिंशे। अत्र केचित् अनेन च सर्वपापप्रणाशो भवत्येव। इह व्यवहार्यता त्वतिप्रसंगनिवारणाय मन्वादिप्रायश्चित्तरव रागद्वेषादिकलुषहृदयतया तत्राविश्वसतो जनान्प्रति व्यवहार्यतासिद्धये वातः उपदेश इति प्राहुः।

"गंगास्नानं सर्वविधसर्वपापनाशकं। चांद्रायणसहस्रं तु यश्चरेत् कायशोधनम्॥

"पिबेत् यश्चापि गंगांभः स्वयौ स्यातां न वा समौ।

"भवंति निर्विषाः सर्पा यथा तार्क्ष्यस्य दर्शनात्। गंगाया दर्शनात्तद्वत्सर्वपापैः प्रमुच्यते॥"

इत्यादि महाभारतादिवचनेभ्यः न चैतान्यर्थवादाः।

"स्नानमात्रेण गंगायां पापं ब्रह्मवधोद्भवं। दुराधर्षं कथं वातिचिंतयेद्यो वदेदपि॥

"तस्याहं प्रददे पापं कोटिब्रह्मवधा इदम्।

"स्तुतिवादपि*यमत्वात्कुंभीपाकेषु जायते। आकल्पनरकं भक्तानितो जायेत गर्दभ॥"इति।

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* एवं मूले।

भविष्यकौर्मादिभ्यः । परं नास्तीत्येवमाह । पितामहः

"सर्वं कृतयुगे पुण्यं त्रेतायां पुष्करं मतम् । द्वापरे तु कुरुक्षेत्रं कलौ गंगैव केवलम् ॥" गंगाकलियुगे स्मृतेति पाठांतरम् ।

"यच्चकार्यशतं कृत्वा कृतं गंगावसेचनम् । सर्वं तत्तस्य गंगांभो दहत्यग्निरिवेंधनमि"त्यादिवचनान्यप्यनुसंधेयानि । कलियुगीयपापनाशसामर्थ्यं गंगाया एव न पुष्करादीनां । कृतादौ तु पापस्याल्पत्वात्तन्नाशसामर्थ्यं तेषामपीति सर्वं कृतयुग इत्यस्य तात्पर्यम् ।

अथ प्रायश्चित्तोपक्रमप्रकारः ।

तत्र कर्मविपाकप्रायश्चित्तोपयुक्तं किंचिदुच्यते । तद्यथाह देवलः

"कृच्छ्राणां द्वारको राजा निर्देष्टाधर्मपाठकः । अपराधी प्रयोक्ता च रक्षिता कृच्छ्रपालकः ॥"

महापापेषु कृच्छ्राणां प्रायश्चित्तानां दापको राजा भवति । ब्रह्महत्यादिप्रायश्चित्तेषु राज्ञा विना द्विजाद्यैः प्रायश्चित्तं नोपवर्णनीयमित्यर्थः ।

प्रायश्चित्तस्य निर्देष्टा धर्मपाठक इत्युच्यते । यस्मिन्ननुवादकशब्दं लोकाः प्रयुंजते । अंगिराः

"ब्रह्मचर्याश्रमादूर्ध्वं वृद्धा आश्रमिणस्त्रयः । वदेयुस्तस्य ते धर्मान्ये मया परिकीर्तिता"इति ।

"वेदविद्याव्रतस्नातः सत्यसंधो जितेंद्रियः । अनेकधर्मशास्त्रज्ञः प्रोच्यते धर्मपाठकः ॥

"चातुर्विद्यं विकल्पी च अंगविद्धर्मपाठकः । त्रयश्चाश्रमिणो वृद्धाः पर्षदेषा दशावरा ॥

"चतुर्णामपि वेदानां पारगा ये द्विजोत्तमाः । यथाक्रमं विनाप्यंगैश्चतुर्विधमिति स्मृतम् ॥

"धर्मस्य पर्षदश्चैव प्रायश्चित्तक्रमस्य च । त्रयाणां यः त्रयाणां सः सविकल्पो भवेत् द्विजः ॥

[1] "शब्दे छंदसि कल्पे च शिक्षायां च सुनिश्चितः । ज्योतिषामयने चैत्य निरुक्तसवित(?)भवेत्* ।

अपराधी पापकारी कृच्छ्रप्रयोक्तेत्यभिधीयते । रक्षिता राजपुरुषः कृताकृतप्रत्यवेक्षणेन प्रायश्चित्तपरिपालक इति कथ्यते । तथा

"विचारस्तादृशः कार्यो यथा सर्वे सभासदः । एकवाक्यं तत्र ब्रूयुस्तथा श्रेयोऽधिगच्छति ॥"

प्रकृतमनुसरामः । धर्मविवृत्तौ

" क्षत्रियो ह्यथ वैश्यो वा शूद्रो वा न कथंचन । प्रायश्चित्तविधानं हि कुर्वीतीति विदुर्बुधाः ॥

"अव्रतानाममंत्राणां जातिमात्रोपजीविनां । सहस्रशतयुक्तानां पर्षत्वं नोपपद्यते ॥" पातके च शतं परिषत् सहस्रमहदादिपापेषु पंचाशत्स्वल्पे स्वल्पास्तथा भवेत् । बहुभिर्विद्वद्भिर्मिलित्वा विचार्य प्रायश्चित्तं विधेयमिति शतादिशब्दानां तात्पर्यार्थः । अत एव याज्ञवल्क्यः (आ. ९)

"चत्वारो वेदधर्मज्ञा पर्षत्त्रैविद्यमेव वा । सा ब्रूते यं स धर्मः स्यादेको वाध्यात्मवित्तमः ॥" इति । तथाच मनुः (१२।१११)

"त्रैविद्यो हैतुकस्तर्की नैरुक्तो धर्मपाठकः । त्रयश्चाश्रमिणः पूर्वे पर्षदेषा दशावरेति ।" तिस्रो विद्या ऋग्यजुःसामात्मिका यस्यासौ त्रैविद्यः । हैतुकोऽनुमानज्ञः । तर्कोऽस्यास्तीति तर्की । संशये सत्येकस्यां कोटौ प्रामाणिकत्वारोपे कृते बाधकादर्शनात् प्रमाणेनात्र भवितव्यमिति यः प्रत्ययः स तर्कः । स च वेदशास्त्राविरोधी ग्राह्यः । एवंविधायाः परिषद उपस्थानं वक्ष्यमाणप्रकारेण कार्यम् । अत्रायं वृद्धसमाचरो व्रतग्रहणदिने । तद्यथा । अभुंजानः सायंकाले पर्षदं प्रदक्षिणीकृत्य स्वकीयमेनो विज्ञापयतीति । अत्रायमाशिषः । अंगिरसः प्राप्तपापस्य परिषदोनुपस्थाना-

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* एवं मूले ।

त्पूर्वं भोजनं निषिद्धम् । अस्यायमभिप्रायः । पश्चात्तापवान्भवेत् । अविलंबेनैव प्रायश्चित्तं गृह्णीयादिति । अन्यथा दीर्घकालं भोजनपरित्यागे देहधारणाभावे न प्रायश्चित्ताचरणमेव स्यात् । तस्मात् दैववशात्प्रायश्चित्तविलंबे मितमेध्याहारादिभिः शरीररक्षणं कुर्वीत न स्वच्छंदाहारी स्यात् । इमां स्मार्त्तीमुक्तिं दृष्ट्वा व्रतग्रहणदिन एवाभोजनं मन्यते । कलौ दृढतरानुतपस्यामभावात् । उपक्रमदिने शरीरशुद्धेरीप्सितत्वाच्च । **मनुः (११।४७)**

"प्रायश्चित्तीयतां प्राप्य दैवात्पूर्वकृतेन वा । न संसर्गं व्रजेत्सद्भिः प्रायश्चित्तेऽकृते द्विजः ॥"

अंगिराः

"उपास्थितस्तु न्यायेन व्रतादेशनमर्हति । कृतेन संयमं पापे न भुंजीतानुपास्थितेः ॥"

"भुंजानो वर्द्धयेत्पापमामत्यं पर्षादि व्रजन् । संशये तु न भोक्तव्यं यावत्पापस्य निष्कृतिः ॥

"प्रमादश्च न कर्तव्यो यथैवासंशये तथा । कृत्वा पापं न गूहेत गूहमानस्तु वर्द्धयेत् ॥"

"बहु वा स्वल्पकं वापि कर्मविद्भ्यो निवेदयेत् ।

"प्रायश्चित्ते समुत्पन्ने ह्रीमान्सत्यपरायणः । मृदुरार्जवसंपन्नः शुद्धिं याचेत मानवः ॥

"सचैलं वाग्यतः स्नात्वा क्लिन्नवासा समाहितः । क्षत्रियो वापि वैश्यो वा पर्षद्गुपतिष्ठते ॥

क्षत्रियाद्युपादनं प्रदर्शनार्थं ।

"उपस्थाय ततः शीघ्रमार्तिमान्धरणीं व्रजेत् । गात्रैश्च शिरसा चैव न च किंचिदुदाहरेत् ॥

"ततस्ते प्रणिपातेन दृष्ट्वा तं समुस्थितम् । वृद्धाः पृच्छंति किं कार्यमुपविश्याग्रतः स्थितम् ॥

"किं ते कार्यं वदास्माभिः किं वा मृगयसि द्विज । तत्वतो ब्रूहि तत्सर्वं सत्यं हि गतिरात्मनः ॥

"अस्माकं चैव सर्वेषां सत्यमेव परं बलम् । यदि चेद्रक्ष्यसे सत्यं नियतं प्राप्स्यसे शुभम् ॥

"यथागतोऽस्य सत्येन न त्वं शुद्धयसि कर्हिचित् । एवं सर्वमनुज्ञातः सर्वं ब्रूयादशेषतः ।" इति । न भुंजीतानुपस्थित इति । अनुपस्थितः पर्षदमनुपस्थितः । संशयो नाम पर्षदुपस्थातुं स्वगतपापसंदेहः । कार्यस्य निष्कृतिः पापस्य निश्चयः । अथवा कार्यस्य निष्कृतिं प्रायश्चित्तनिश्चयः । संशये तु न भोक्तव्यम् । इत्येतन्मिथ्याभियोगविषयम् । प्रमादश्च न कर्तव्यः पुनः पापं न कुर्यादित्यर्थः । अथवा चिरकालसंदेहानुवृत्तौ हविष्यभोजनादिर्शरीररक्षणप्रमादः स न कर्तव्यः । तथैवासंशये स्वयं पापस्य निश्चये देशांतरादिव्यवहितेषु विद्वत्सु पर्षदुपस्थानात् प्राग्यथा हविष्यभोजनाच्छरीररक्षणं क्रियते तथा संशयस्थलेऽपीत्यर्थः । पर्षदग्रे पापप्रख्यापनं च दक्षिणादानानंतरं कुर्यात् । तथाह **पराशरः** । "पापं प्रख्यापयेत्पापी दत्वा धेनुं तथा वृषमिति" । अत्रैव विशेषमाह **विष्णुः**

"पादव्रते वस्त्रदानं कृच्छ्रार्द्धे तिलकांचनम् । विख्याप्य पापं तत्कृद्भ्यः किंचिद्दत्वा व्रतं चरेत् ॥

इति । तत्प्रकीर्णकविषयम् । यत्र च परिषदग्रे दक्षिणात्वेन धेनुवृषभयोरन्यतरदुभयं वा दीयते तत्र धेनुमूल्यं निष्को वा दातव्यो न प्रत्यक्षं गौर्वृषभो वा । यथाऽहांगिराः

"बहुभ्यो न प्रदेयानि गौर्गृहं शयनं स्त्रियः । विभक्तदक्षिणा ह्येता दातारं तारयंति हि ।

"एका एकस्य दातव्या न बहुभ्यः कथंचन । सा तु विक्रयमापन्ना दहत्या सप्तमं कुलमिति ।"

एवं पूर्वोक्तप्रकारेण सचैलस्नानं आर्द्रवासाः पर्षदं प्रदक्षिणीकृत्य परिषद्दक्षिणां दत्वा

दंडवत्प्रणम्य पापं सर्वं विख्याप्य परिषदग्रे भो मामनुगृह्णीतेत्युक्त्वा परिषदग्रे तूष्णीं तिष्ठेत । ततो ब्राह्मणास्तमुत्सार्य परस्परं प्रायश्चित्तस्वरूपं चिंतयेयुः । तथा **चांगिराः**

"तेषां निवेदिते कार्ये उत्सार्यो हि सकार्यवान् ।
"तस्मिन्नुत्सारिते विप्रे ये यथा धर्मपाठकाः । ते तथा तत्र जल्पेषु विमृश्यंतः परस्परम् ॥
"धर्मशास्त्रेषु यच्चोक्तं यच्च सानुग्रहं भवेत् । विमृश्य पर्षत्तत्सर्वं प्रायश्चित्तं प्रकल्पयेत् ॥
"यथाकालं यथादेशं यच्च कार्यांतरं भवेत् । पर्षदः समतं चैव कारिणश्च बलाबलम् ॥
"सर्वेषां निश्चितं यच्च यच्च प्राणान्न पीडयेत्" । कार्यांतरं वृद्धमातापितृशुश्रूषादि । यच्च प्राणान्न पीडयेत् । यत्र प्राणिपीडाकरणांतकप्रायश्चित्तव्यतिरेकेण शास्त्रोपदिष्टं प्रायश्चित्तांतरमस्ति तत्र प्राणबाधाकरं न देयमित्यर्थः । **वृद्धशातातपः**

"यदि वा धर्मशास्त्रेण प्रायश्चित्तं विधीयते । नैव शुद्धिमवाप्नोति प्रायश्चित्ते कृतेऽपि सः ॥
"अदृष्ट्वा धर्मशास्त्राणि प्रायश्चित्तं वदंति ये । प्रायश्चित्ती भवेत्पूतस्तत्पापं पर्षदं व्रजेत् ॥
देवलः "एकोऽप्यर्हति तत्कर्तुमनूचानोऽप्यनूग्रहम् । धर्मज्ञा बहुवो विप्राः कर्तुमर्हंत्यनुग्रहम् ॥
"स्नेहाद्वा यदि वा लोभान्मोहादज्ञानतोऽपि वा । कुर्वंत्यनुग्रहं यत्तु तत्पापं तेषु गच्छति ॥
"शरीरस्यात्यये कार्यः संयमे नियमो द्विजैः । महतो वोपराधेन न सुस्थस्य कदाचनेति ॥"

कार्यः । अनुग्रहः कार्यः । महानुरोधो महत्पापात् । **अंगिराः**

"आर्त्तानां मार्गमाणानां प्रायश्चित्तानि ये द्विजाः । जानंतो न प्रयच्छंति ते तेषां समभागिनः ॥
"तस्मादार्तं समासाद्य ब्राह्मणं च विशेषतः । जानद्भिर्धर्मपंथानं न भाव्यं तु पराङ्मुखैः ॥
"अनर्चितैरनाहूतैरपृष्टैश्चैव संसदि । प्रायश्चित्तं न दातव्यं जानद्भिरपि कल्पतः ॥"

एवं धर्मशास्त्रानुसारेण प्रायश्चित्तमपसार्य प्रायश्चित्तस्वरूपं निष्कृष्य तत एकेन तत्प्रायश्चित्तस्वरूपमनुवादयेत् । तत्रायं प्रयोगः । पर्षदुपविष्टेनामुकप्रायश्चित्तेन चीर्णेन सांगोपांगेनामुकपापाद्विमुक्तो भविष्यति । तस्मात्सांगोपांगं कर्तव्यमिति । एवं त्रिर्ब्रूयात् । शिष्टसमाचारात् । एवं च प्रयोगवाक्यरचनाप्रदर्शरचनार्थाः । तस्माद्यत्र यथोचितं तत्र तथा प्रयोक्तव्यम् । **अंगिराः**

"सर्वेषां निश्चितं यच्च यच्च प्राणं न पातयेत् । आहूय श्रावयेदेकः पर्षदा यो नियोजितः ॥
"शृणु भोः स्वमिदं विप्रैर्यत्तु चादिश्यसे भवान् । तत्ते यत्नेन कर्तव्यमन्यथा तद्वृथा भवेत् ॥
"यदा त्वया भवेच्चीर्णं व्रतं शुद्धिकरं महत् । यदा कुर्याः प्रयत्नेन शक्त्या विप्राय पूजनम् ॥"

पर्षदा यो नियोजितः इत्यनेनानुवादकस्य भृतित्वेन दक्षिणा गम्यते । तथा हि । नियुक्तो हि धर्मकरो भवति स च भृतिमपेक्षते । किं पापानुवादोऽपि पापायैवेति दृष्टलोभाभावेन कोऽपि न प्रवर्तते । तस्मात्पापानुसारेणानुवादकस्य भृतिरूपदक्षिणा देया । वर्णक्रमेण चानुवादकविशेषोऽङ्गिरसैव दर्शितः

"ब्राह्मणो ब्राह्मणानां तु क्षत्रियाणां पुरोहितः । वैश्यानां याजकश्चैव प्रायश्चित्तं समादिशेत् ॥
"अगुरुः क्षत्रियाणां यो वैश्यानां वाऽथ याजकः । प्रायश्चित्तं समादिश्य तप्तकृच्छ्रं समाचरेत् ॥
"एवमुत्कृष्टवर्णेषु ब्राह्मणादिषु दर्शितम्" । अत्रोत्कृष्टत्वं द्विजानां वृत्ताधिक्ययोगात् ।

निकृष्टत्वं तद्राहित्यात् । निकृष्टायां च वक्ष्यामि प्रायश्चित्तमतः परं । प्रायश्चित्तं तद्दानं ध्यायतो **शंखलिखितौ** "कृच्छ्राणां द्विजातीनामेव नावरस्य कामं धर्मस्यानिषेधः । साधारणो हि धर्मो

नियमश्च अवरस्य शूद्रस्य वेदमंत्रसहितस्य प्रायश्चित्तस्य निषेधः तद्रहितस्याभ्यनुज्ञा । यद्वा रागद्वेषादलभ्यमानेषु प्रायश्चित्तेषु यज्ञहवनाध्ययनब्रह्मचर्य्यपरो भैक्ष्याशी दंडी मेखली स्वयमेव संवत्सरेण महापापतत्परोव्यपोपिहतिकिल्बिषा न ब्राह्मणस्य पतनमिच्छंत्याचार्याः" इति । अस्यार्थः रागादिवशात्पर्षदः सकाशात्प्रायश्चित्तमलभमानः स्वयमेव यज्ञहोमाध्ययनादिनिष्ठो ब्राह्मणः संवत्सरेणेत्यपि लक्षणं यावता कालेम यत्पापनिवृत्तिस्तावता महापातकादीनि व्यपोहतीति । शंखः

"तस्करश्वापदाकीर्णे वक्तव्योक्तमृगे वने । न व्रतं ब्राह्मणः कुर्याद्‌ब्राह्मणस्याभयात्सदा ॥

"शरीरं धर्मसर्वस्वं रक्षणीयं प्रयत्नतः । शरीरात्स्रवते धर्मः *पक्षयामश्रणामिनः ।

"अंतरा ब्राह्मणं कृत्वा व्रतमेषां समादिशेत् ।

"तथा शूद्रं समासाद्य सदा धर्मपुरःसरम् । प्रायश्चित्तं प्रदातव्यं वेदमंत्रविवर्जितम् ॥

सुमंतुः "अथवा रागद्वेषादलभ्यमाणेषु प्रायश्चित्तेषु यज्ञहवनाध्ययनब्रह्मचर्यपरो भैक्षाशी दंडी मेखली स्वयमेव संवत्सरेण महापातकानि तत्परो व्यपोहति किल्बिषी न ब्राह्मणस्य पतनमिछंत्याचार्याः" इति ।

रागादिवशात्पर्षदः सकाशात्प्रायश्चित्तमलभमानो ब्राह्मणः स्वयं चेत्प्रायश्चित्तस्वरूपं विजानीयात्तदा ब्राह्मणानुज्ञामंतरेणापि यस्य पापस्य यावत्प्रायश्चित्तं तावत्समाचरेत् । कथमित्याकांक्षायामाह । यज्ञहवनादीति । तथा कालमपि निर्दिशति । संवत्सरेणेति । एतच्चोपलक्षणम् । एवंच च यावान्काल उपयुक्तः यावती चेतिकर्तव्यतोपयुक्ता तावन्मात्रं ग्राह्यम् । पर्षदनुपादिष्टस्य प्रायश्चित्तस्याद्याचरण हेतुमाह । न ब्राह्मणस्य पतनमिच्छंत्याचार्या इति । अत्र ब्राह्मणग्रहणाच्च क्षत्रियादेः पर्षदनुपदिष्टप्रायश्चित्ताचरणेऽधिकारः । एवं पूर्वोक्तप्रकारेण पर्षदमुपस्थाय पर्षदुपदिष्टं व्रतं मनसि विधाय दिनांते प्रायश्चित्तोपक्रमं कुर्वीत । तद्यथा । दिनांते नखरोमादीनि वापयित्वा स्नानं विधाय प्रायश्चित्तसंकल्पं कृत्वा तत्र प्राच्यांगानि करिष्ये इत्यभिलप्य ततो द्वादशांगुलप्रमाणेनानिषिद्धेन क्षीरवृक्षोद्भवेन कंटकिवृक्षोद्भवेन च काष्ठेन दंतान्विशोध्याचम्य भस्मगोमयमृद्वारिपंचगव्यकुशोदकैर्दशभिर्वक्ष्यमाणप्रकारेण दश स्नानानि कृत्वा वासः परिधायाऽऽचम्य वैष्णवश्राद्धं विधायाऽऽदिगोदानं निवर्त्यानंतरमाजोनाम्नामष्टाविंशतिरष्टोत्तराशतं वा व्याहृतिभिर्हुत्वाऽथ वक्ष्यमाणलक्षणं पंचगव्यं पृथक् पृथगानीय गायत्र्यादिमंत्रैर्वा प्रणवेन वा तानि मेलयित्वा समालोड्य ततः सप्तपत्रैर्हरितैः कुशैः पंचगव्यं समुद्धृत्य एवेत्यदिभिर्मंत्रैर्दशाहुतीर्हुत्वा प्रणवेनैव हुतशेषं समालोड्य प्रणवेनैव निर्मथ्य प्रणवेनैव समुद्धृत्य प्रणवेनैव पिबेत् ।आलोडनं शोधनं । तत्तु हस्तेन निर्मथनं काष्ठेन । पानं च पालाशमध्यपर्णेन पद्मपत्रेण सुवर्णपात्रेण ताम्रपात्रेण ब्रह्मतीर्थेन वा भवति । एवमुपक्रांतं व्रतं समाप्य चांते गोहिरण्यादिदक्षिणां दद्यात् । अथात्र क्रमेण मंत्रसहितः प्रयागः प्रदश्यते । सचैलं स्नात्वा क्लिन्नवासाः पर्षदं प्रदक्षिणीकृत्य पर्षदादिदक्षिणां दत्वा नत्वा सर्वं पापं विख्याप्य तदुपदिष्टव्रतं मनसि निधाय दिनांते नखरोमादीन्प्रवाप्य स्नात्वा प्रायश्चित्तसंकल्पं कृत्वा तत्र प्राणयोनिं करिष्य इत्यभिलप्य शास्त्रविहितं द्वादशांगुलपरिमाणं दंतकाष्टं गृहीत्वा पूर्वाभिमुखं सन्मंत्रं पठेत् । तत्र

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* एवं मूले ।

"आयुर्बलं यशो वर्चः प्रजाः पशुवसूनि च । ब्रह्म प्रज्ञां च मेधां च त्वं नो धेहि वनस्पते ॥"

अनेन मंत्रेण काष्ठस्याग्रभागं किंचिद्भक्षयित्वा तेनैव प्रदेशेन दंतान्संशोध्य तावत्प्रमाणेन काष्ठांतरेण जिव्हामुल्लिख्य प्रक्षाल्य काष्ठद्वयं किंचिद्भग्नं कृत्वा विसृज्याचम्य भस्मादिभिः स्नायीत । स्नानप्रकारस्तु तूष्णीं भस्मना मस्तकाद्यवयवाननुलिप्योदकेन स्नायीत । एवमेव गोमयेनानुलिप्य पुनर्वारिणा स्नायीत । एवमेव मृदाऽनुलिप्य पुनरुदकेन । इदं भस्मादिभिरुदकसहितैः स्नात्वा पश्चात्केवलोदकेन स्नानं कुर्वीत । ततो गोमूत्रेण स्नात्वाऽथ गोमयेनानंतरं क्षीरेण पश्चाद्दध्ना स्नाप्योदकेन ततः कुशांतरितेनोदकेनेति दश स्नानानि मंत्रवर्जं कुर्वीत । "मलापकर्षणं स्नानं बाह्यशौचोपसिद्धये" इति विष्णुना मलस्नानस्यैव निर्देशात् । अथवा बाह्यशौचोपसिद्धय इत्युक्तत्वात् शुद्धेश्च दृष्टादृष्टरूपेणाऽभिषिंचनान्मंत्रपाठेनादृष्टोत्पत्तेः । समंत्रकाण्येतानि स्नानानि । स्त्रीशूद्राणां त्वमंत्रकमेव स्नानम् । भस्माद्यनुलेपनेनापि दृष्टादृष्टसिद्धेरुपपत्तेः । मंत्रेऽधिकाराभावाच्च । लिंगपुराणे

"ईशानाय शिरोदेशं मुखं तत्पुरुषेण तु । हृद्देशमघोरेण गुह्यं वामेन सुव्रत ॥

सद्योजाताय पादौ प्रणवेन शोधयेत्सर्वांगम् । अत्र क्रमेण मंत्राः । तत्र स्नानमंत्राः । ईशानाय नम इति शिरसि । तत्पुरुषाय नम इति मुखे । अघोराय नम इति हृदये । वामदेवाय नम इति गुह्ये । सद्योजाताय नम इति पादयोः । प्रणवेन सर्वांगम् । अयमेकः प्रकारः । प्रकारांतरं च । ईशानः सर्वविद्यानामीश्वरः सर्वभूतानां ब्रह्माधिपतिर्ब्रह्मणोऽधिपतिर्ब्रह्मा शिवो मे अस्तु सदाशिव इति शिरसि । तत्पुरुषाय विद्महे महादेवाय धीमहि । तन्नो रुद्रः प्रचोदयादिति मुखे । अघोरेभ्योऽथ घोरेभ्यो घोरघोरतरेभ्यः । सर्वेभ्यः सर्वसर्वेभ्यो नमस्तेऽस्तु रुद्ररूपेभ्यः इति हृदये । वामदेवाय नमो ज्येष्ठाय नमः श्रेष्ठाय नमो रुद्राय नमः कालाय नमः कलविकरणाय नमो बलविकरणाय नमो बलाय नमो बलप्रमथनाय नमः सर्वभूतदमनाय नमो मनोन्मनाय नमः इति गुह्ये । सद्योजातं प्रपद्यामि सद्योजाताय वै नमो नमः । भवे भवेनाति भवे भवस्व मां भवोद्भवाय नमः इति पादयोः । प्रणवेन सर्वांगे । अथवा अग्निरिति भस्म । जलमिति भस्म । स्थलमिति भस्म । व्योमेति भस्म । सर्वं ह वा इदं भस्मेत्येते मंत्रा ग्राह्याः । इति भस्मस्नाने मंत्रांतराणि । इति भस्मस्नानानंतरं गोमयेन स्नानम् । तत्र मंत्रः "मानस्तोके तनये" इति पूर्ववत् । अथवा

"गंधद्वारां दुराधर्षां नित्यपुष्टां करीषिणीम् । ईश्वरीं सर्वभूतानां तामिहोपह्वये श्रियम् ॥"

अपि वा

"अग्रमग्रश्चरंतीनामोषधीनां वने वने । तासामृषभपत्नीनां पवित्रं कायशोधनम् ॥

"यन्मे रोगांश्च शोकांश्च पापं मे हर गोमय ।" गोमयस्नाने वैकल्पिका मंत्राः । अथ मृदा स्नानं । तत्र मंत्राः

"अश्वक्रांते रथक्रांते विष्णुक्रांते वसुंधरे । शिरसा धारयिष्यामि रक्ष त्वं मां पदेपदे ॥

"उद्धृतासि वराहेण कृष्णेन शतबाहुना । मृत्तिके हर मे पापं यन्मया दुष्कृतं कृतम् ॥

"मृत्तिके ब्रह्मपूतासि काश्यपेनाभिमंत्रिता । मृत्तिके देहि मे पुष्टिं त्वयि सर्वं प्रतिष्ठितम् ॥

"मृत्तिके प्रतिष्ठिते सर्वं तन्मे निर्णुद मृत्तिके । त्वया हतेन पापेन गच्छामि परमां गतिम्" ॥

इति मृत्तिकास्नानमंत्राः । अथ केवलोदकस्नानम् । तत्र मंत्राः । आपो हि ष्ठेति त्रिऋचा पूर्ववत् । अथवा इदमापः पूर्ववत् इति केवलोदकस्नानम् । अथ पंचगव्यस्नानानि । तत्र गोमूत्रक्षीरदधिघृतानां क्रमेण **मरीचिना** देवता दर्शिताः

"देवताः संप्रवक्ष्यामि आनुपूर्व्येण यस्य याः । वरुणो देवता मूत्रे गोमये हव्यवाहनः ॥

"सोमः क्षीरे दध्नि वायुर्घृते रविरुदाहृत" इति । अथ देवताप्रकाशका मंत्राः प्रदर्श्यंते । तत्र गोमूत्रस्नानमंत्राः "ध्रुवा सुत्वा सुक्षितिषु क्षिपन्तो व्यस्मत्पाशं वरुणो मुमोचत् । अवोचन्वाना अदितेरुपस्था यूयं पात स्वस्तिभिः सदा नः" । उपलक्षणमेतत् । तस्माद्वरुणप्रकाशकाः श्रौतस्मार्ता वा मन्त्रा अपि ग्राह्याः । एवं सर्वत्रापि । अथ गोमयस्नानमंत्रः 'पाहिनो अग्न एकया' पूर्ववत् । अथ क्षीरस्नानमंत्रः

"उरुष्याणो अभिशस्तेः सनोनिपाह्यंहसः । सखासुशेवऽएधि नः"।(ऋ.सं.१।६।२१)अथ दधिस्नानमंत्रः । "आत्मा देवानां भुवनस्य गर्भो यथा वशं चरति देव एषः । घोषा इदस्य शृण्विरेनरूपं तस्मै वासाय हविषा विधेम । कृष्णनियानं हरयः सुवर्णा अपो वसाना दिवमुत्पतंति । त आववृत्रन्त्सदनादृतस्यादिद्घृतेन पृथिवी व्युद्यते" । अथवा **पराशरोक्ता** मंत्रा ग्राह्याः ।

"गायत्र्याऽऽदाय गोमूत्रं गंधद्वारेति गोमयम् । आप्यायस्वेति च क्षीरं दधिक्राव्णस्तथा दधि ॥

"तेजोसि शुक्रमित्याज्यं देवस्य त्वा कुशोदकमिति" । एतैर्मंत्रैराभिषिंचामीति वाक्यशेषः पूरणीयः । एवं दश स्नानानि कृत्वा वासः परिधायाऽऽचम्य वैष्णवं श्राद्धं कुर्वीत । तद्यथा । विष्णुदेशेन त्रिभ्योऽधिकान्युग्मान्ब्राह्मणान्भोजयेत् । भोजनाभावे भोजनपर्याप्तमन्नहिरण्यं दद्यात् । एवं वैष्णवश्राद्धं विधायादिगोदानमाचरेत् । तत्र गोदानमंत्राः

"गवामंगेषु तिष्ठंति भुवनानि चतुर्दश । यस्मात्तस्माच्छिवं मे स्यादिह लोके परत्र चेति" ॥ इति गोदानानंतरमाज्येनाग्नौ व्याहृतिभिरष्टाविंशतिरष्टोत्तरशतं वा हुत्वा पंचगव्यं जुहुयात् । तत्र पंचगव्यहोमप्रकारः

"ताम्रवर्णाया गोमूत्रं श्वेतायाश्चैव गोमयम् । पयः सपीतवर्णाया नीलायाश्च दधि स्मृतम् ॥ कृष्णायास्तु घृतं चैव । अथवा पंचगव्यं कापिलं । असंभवे यथा लाभोपपन्नं पृथक् संख्यायाः पलपरिमितं वा माषाष्टकं वांऽगुष्ठार्धप्रमितगोमयद्विगुणपरिमाणं गोमूत्रम् । पलाशमध्यपत्रनिमित्ते वा पद्मपत्रविरचिते वा सुवर्णमये वा ताम्रमये वा पात्रे निक्षिपेद्गायत्र्या प्रणवेन वा तदनंतरं द्व्यंगुष्ठार्द्धपरिमितं वा षोडशमाषपरिमितं वा द्वादशमाषपरिमितं वाऽर्द्धांगुष्ठपरिमाणगोमयद्विगुणं वा क्षीरमाप्यायस्वेत्यनयर्चा प्रणवेन वा पूर्वद्रव्यद्वयं निक्षिप्तं तत्रैव निक्षिपेत् । अथ सप्तपलं वा दशपलं वाङ्गुष्ठार्द्धपरिमितगोमयापेक्षया पंचगुणं वा दधिक्राव्ण इत्यनयर्चा प्रणवेन वा पूर्वोक्तपात्रे निक्षिपेत् । ततस्त्वेकपलं वा माषाष्टमितं वांऽगुष्ठार्द्धपरिमितगोमयापेक्षया चतुर्गुणं वा घृतं तेजोसीत्यनेन यजुषा प्रणवेन वा पूर्वोक्तपात्र एव पात्रे निक्षिपेत् । तदनंतरं चैकपलं वा माषचतुष्टयपरिमितं वा कुशोदकं देवस्य त्वेत्यनेन यजुषा प्रणवेन वा पूर्वोक्तपात्र एव निक्षिपेत् । प्रणवः प्रसिद्धः । गायत्र्यादयो मंत्रा अस्मिन्नेव प्रकरणे पंचगव्यस्नानप्रस्तावे प्रदर्शिताः । कुशैः पंचगव्यमुद्धृत्य इरावत्यादिभिर्मंत्रैर्दशाहुतीर्जुहुयात् । अथ स्रुवस्थाने हरिताः कुशाः । इरावत्यादिमंत्रास्तु

इरावती धेनुमती । इदं विष्णुर्विचक्रमे । मानस्तोके तनये । शन्न इंद्राग्री भवतामवोभिः । अग्नये स्वाहा । सोमाय स्वाहा । गायत्री प्रहाकः । ॐभूर्भुवः स्वाहा । अग्नये स्विष्टकृते स्वाहा इति दशाहुतीर्हुत्वा व्रतग्रहणं करिष्ये इति ब्राह्मणान् पृष्ट्वा कुरुष्वेति तैरनुज्ञातो हुतशेषं पंचगव्यं प्रणवेन पिबेत् । एतच्च ग्रामाद्बहिः सायं नक्षत्रदर्शने कर्तव्यं । हुतशिष्टं सर्वं पेयं । नोच्छ्रेषणीयं । अत एव बालवृद्धादिशक्त्याद्यपेक्षया गोमूत्रादीति पूर्वोक्तवैकल्पिकपरिमाणापेक्षया मेळनीयानि । एवं व्रतग्रहणं कृत्वा ततः परं मौनं कृत्वा आत्मनो दुष्कृतं मनसा चिन्तयन्निशामतिवाहयेत् । एवमुपक्रांतं व्रतं सम्यक् परं नीत्वा तत उदीच्यांगानि कुर्वीत । तत्रायं क्रमः । प्रायश्चित्तस्य सर्वगुणार्थमुदीच्यांगानि करिष्ये इति संकल्प्याग्नौ व्याहृतिभिराज्यं पूर्ववद्धुत्वा पूर्ववदेव वैष्णवश्राद्धं विधायानंतरं गोदानमाचरेत् । प्राच्यांगकरणवेलायां वैष्णवं श्राद्धं गोदानानंतरं होमं विधाय वैष्णवं श्राद्धमिति श्राद्धानंतरं गोदानादेर्विहितत्वात् । होमानंतरमेव हुतशिष्टस्य पंचगव्यस्य पानेन व्रतस्य गृहीतत्वाच्च उदीच्यानुष्ठानसमये तु होमानंतरं तु गोदानादि उपक्रमे होमस्य सन्निहितत्वादवसानेऽपि संनिधानस्योचितत्वात् । एवमंतरं गोदानानंतरमवशिष्टानि दश दानानि दद्यात् । तानि च । श्राद्धं कृत्वा व्रतांते तु गोहिरण्यादिदक्षिणेत्यत्रत्वादिशब्देनोपात्तानि । दशदानस्वरूपाणि च **संग्रहकारेण** प्रदर्शितानि

"गोभूतिलहिरण्याज्यवासोधान्यगुडानि च । रौप्यं लवणमित्यादि दशदानानि पंडिताः"॥इति । अत्र क्रमेण मंत्रा "गावो मे अग्रतः संतु०" गोदानमंत्रः । अथ भूमिदानमंत्रः

"सर्वभूताश्रया भूमिर्वराहेण समुद्धृता । अनंतसस्यफलदा ह्यतः शांतिं प्रयच्छ मे ॥'

तिलमंत्रः "महर्षेर्गोत्रसंभूताः कश्यपस्य तिलाः स्मृताः । तस्मादेषां प्रदानेन मम पापं व्यपोहतु ॥"

अथ हिरण्यदानमंत्रः "हिरण्यगर्भगर्भस्थमिति"० । आज्यदानमंत्रः

"कामधेनोः समुद्भूतं सर्वक्रतुषु संस्थितम् । देवानामाज्यमाहारमतः शान्तिं प्रयच्छ मे ॥"

वस्त्रदानमंत्रः "शरणं सर्व लोकानां लज्जाया रक्षणं परम् । सुवेषधारिवस्त्र त्वमतः शांतिं प्रयच्छ मे ॥"

गुडदानमंत्रः "यथा वेदेषु विश्वात्मा प्रवरश्च जनार्दनः । सामवेदस्तु वेदानां महादेवस्तु योगिनां ॥

"प्रणवः सर्वमंत्राणां नारीणां पार्वती यथा । तथा रसानां प्रवर सदैवेक्षुरसो मतः ॥

"मम तस्मात्परां लक्ष्मीं ददस्व गुड सर्वदा" । रजतदानमंत्रः

"प्रीतिर्यतः पितॄणां च विष्णुशंकरयोः सदा । शिवनेत्रोद्भवं रौप्यमतः शां० ॥"

लवणदानमंत्रः

"यस्मादन्नरसाः सर्वे ह्युत्कृष्टा लवणं विना । शंभोः प्रीतिकरं नित्यमतः शां०"। इति दानमंत्राः ।

प्रायश्चित्तसंग्रहे लिख्यते

प्रदक्षिणा नमस्कारास्ततस्तैर्गोवृषस्तथा । जन्मप्रभृत्यद्य यावदित्याद्युपादिशंतु च ॥ १ ॥
सर्वे धर्मविवेक्तार इत्यादि प्रार्थ्य मामनु । प्रणवंतंतमुत्सार्य निबंधं चानुवादकं ॥ २ ॥
पूजयेच्च तथा सभ्याननुवादकदक्षिणा । ततोनुवादको देशकालौ संकीर्त्य पूर्ववत् ॥ ३ ॥

तत्र जन्मप्रभृत्याद्येत्यारभ्यार्थांतिकं वदेत् । प्रत्याम्नायेनमभ्यस्तु चित्तं यदुपदिश्यते ॥ ४ ॥
तस्मिन्यथाशक्ति चीर्णे प्राच्योदीच्योंगसंयुते । तव शुद्धिः कृतार्थश्च तेन त्वं हि भविष्यसि॥५॥
त्रिपुरेवमुक्तेंगीकुर्याद्भवतोऽनुग्रहैस्त्विति । तस्मिन्नहन्युपवसेदशक्तस्तु हविष्यकम् ॥ ६ ॥
भक्षयेदशरिक्तायां सायाह्ने तु नदीतटे । देशकालादि संकीर्त्य मम जन्मप्रभृत्यथ ॥ ७ ॥
यावदंगीकृतं चित्तं संकल्प्य वपनं चरेत् । यानि कानीति मंत्रेण कक्षोपस्थशिखां विना ॥ ८ ॥
द्वादशांगुलकाष्ठेन दंतान्संशोधयेत्ततः । आयुर्बलं यश इति ततः स्नानं समाचरेत् ॥ ९ ॥
ईशानं तु शिरोदेशे मुखे तत्पुरुषं तथा । अघोरसंज्ञं हृदये वामदेवं तु गुह्यके ॥ १० ॥
सद्योजातं पादयुग्मं सर्वांगे प्रणवेन तु । भस्मस्नानमिदं प्रोक्तमथ मंत्रैर्मृदादिभिः ॥ ११ ॥
अग्निरित्यादिभिर्वापि भस्मस्नानमुदीरितम् । भस्मगोमयमृन्मंत्रपंचगव्यकुशोदकैः ॥ १२ ॥
दश स्नानानि कुर्वीत विष्णुश्राद्धं ततश्चरेत् । गोप्रदानमथाज्येन हुनेद्[1]व्याहृतिभिर्घृतम् ॥ १३ ॥
अष्टोत्तरशतं वाऽथ अष्टाविंशतिरेव वा । पंचगव्यं समुत्पाद्य तत्तन्मंत्रैर्यथाविधि ॥ १४ ॥
स्वर्णादिपत्रेऽप्यथवा पात्रे पद्मादिके ततः । ताम्रायास्त्रिपलं मूत्रं गायत्र्या प्रणवेन वा ॥ १५ ॥
अंगुष्ठार्द्धं श्वेतगव्या गंधद्वारेति गोमयम् । आप्यायस्वेति कपिलापयः सप्तपलं ततः ॥ १६ ॥
दधिक्राव्ण इति दधि नीलायाः पलसप्तकं । घृतं मिमिक्षे कृष्णाया घृतमेकपलं भवेत् ॥ १७ ॥
आपो हिष्ठेति मंत्रेण पलमेकं कुशोदकम् । देवस्य त्वेति वाऽऽदायाथालोड्य प्रणवेन तु ॥ १८ ॥
यज्ञियेनैव काष्ठेन निर्मथ्य प्रणवेन च । प्रणवेनैवाभिमंत्र्य मंत्रैरेभिर्दशाहुतीः ॥ १९ ॥
जुहुयात्सप्तपत्रैस्तु त्रिभिश्च हरितैः कुशैः । इरावतीदं विष्णुर्मानस्तोके ब्रह्मजाग्नये ॥ २० ॥
सोमाय च ततो हुत्वा गायत्र्या प्रणवेन च । भूर्भुवः स्वश्चेति ततोऽग्नये स्विष्टकृते हुनेत् ॥ २१ ॥
व्रतग्रहं करिष्येऽथ द्विजान् पृष्ट्वा पिबेत्तु तत् । यत्नगच्छातिमंत्रेण काले नक्षत्रदर्शने ॥ २२ ॥
अनुष्ठायाथ तच्चितमुत्तरांगं ततश्चरेत् । व्याहृत्या पूर्ववद्धुत्वा विप्रचर्चान्तःप्रदानकम् ॥ २३ ॥
प्रायश्चित्तमिदं प्रोक्तं दश दानानि शक्तितः । मंत्रहीनं क्रियाहीनमित्याद्युक्त्वा हरिं स्मरेत् ॥२४॥
प्रायश्चित्तं मया चीर्णं यदच्छिद्रं ममास्तु तत् । प्रतिब्रूयुर्द्विजाः सर्वेऽप्याच्छिद्रं ह्येतदस्तु ते॥२५॥"

इति सर्वप्रायश्चित्तं । सर्वप्रायश्चित्तप्रयोगो लिख्यते । तत्र षडब्दं त्र्यब्दं सार्द्धाब्दं वा यथाशक्ति सुवर्णादि प्रत्याम्नायद्वारा कुर्यात् । तद्यथा । चतुरस्त्रीनेकैकं वाऽध्यात्मविदं पर्षत्त्वेन उपवेश्य कृतस्नानः शक्तौ सत्यां क्लिन्नवासा अभुंजानः प्रदक्षिणीकृत्य हृदयेन हृद्यतां धरण्यां साष्टांगं प्रणमेत् । ततस्तैः किं ते कार्यं मिथ्या माऽवादीः सत्यमेव वदेत्यादि पृष्टे पर्षदग्रे गोवृषयोः प्रत्येकमाम्नायत्वेन यथासुवर्णरूप्ययोः निष्कं तदर्धं वा निधाय अमुकस्य मे जन्मप्रभृति अद्य यावत् ज्ञानाज्ञानकामाकामसकृदसकृत्कृतकायिकवाचिकमानसिकसांसर्गिकस्पृष्टास्पृष्टभुक्ताभुक्तपीतापीतसकलपातकातिपातकोपपातकलघुपातकसंकरीकरणमलिनीकरणअपात्रीकरणजातिभ्रंशकरप्रकीर्णपातकानां निरासार्थं अनुग्रहं कृत्वा प्रायश्चित्तमुपदिशंतु भवंतः । तथा

"सर्वे धर्मविवेक्तारो गोप्तारः सकला द्विजाः । मम देहस्य संशुद्धिं कुर्वंतु द्विजसत्तमाः ॥

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1 हुनेदिति-आर्षप्रयोगः ।

"मया कृतं महाघोरं ज्ञातमज्ञातकिल्बिषं । प्रसादः क्रियतां मह्यं शुभानुज्ञा प्रयच्छथ ॥

"पूज्यैः कृतपवित्रोऽहं भवेयं द्विजसत्तमैः" । एवं प्रार्थयेत्पुत्रादिश्चेत्प्रायाश्चित्तकृत्तदाऽस्मच्छब्दस्थाने तन्नाम निर्दिशेत् । प्रार्थनानंतरमनुगृह्णंतु भवंत इति प्रणमेत् । ततस्त एनमुत्सार्य तस्य शरीरद्रव्यादि यथाशक्तिमुत्तममध्यमादिपक्षांश्च विचार्य अस्मिन्पक्षे अस्मिन्पक्षे अयं शक्त इति निश्चित्य पुस्तकवाचनपूर्वकं कथयेयुरनुवादकस्याग्रे प्रत्याम्नायाश्च शक्त्या कल्पयेयुः । अस्मिन्काले प्रायश्चित्तकृच्चंदनपुष्पादिभिः पुस्तकपूजां सभ्यानुवादकपूजां च विधाय निबंधपूजात्वेन च किंचिद्यथाशक्ति द्रव्यं निधाय कृतांजलिपुटो नम्रस्तिष्ठेत् । अनुवादकाय पापानुसारेण भृतिरूपां दक्षिणां दद्यात् । ततोऽनुवादकः पूर्वोक्तविशेषेण विशिष्टानां पूर्वोक्तानां महापातकव्यतिरिक्तानां पातकानां क्षयः अनेन पर्षदुपदिष्टेन सर्वप्रायश्चित्तेनामुकप्रत्याम्नायद्वारा प्राच्योदीच्यांगसहितेन चीर्णेन तव शुद्धिर्भविष्यति तेन त्वं कृतार्थो भविष्यसीत्युपदिशेत्रिः । तच्च सर्वप्रायश्चित्तं शक्त्यनुसारेण षडब्दं त्र्यब्दं सार्द्धाब्दं अन्यद्वा पर्षदोनुमतम् । प्रत्याम्नायाश्च गायत्र्ययुतजपतिलहोमसहस्रद्वादशब्राह्मणभोजनतीर्थयोजनयात्रायां एकगोदाने सुवर्णरूप्यनिष्कतदर्धतदर्धानां यो गोमूल्यानां शक्त्या दाने शुद्धकेशस्य द्वादशस्नानेषु द्विगुणद्वादशामान्नदानादौ च एकः प्राजापत्य इति । तत्र शक्तस्यामान्नं द्विगुणम् । द्रव्यं चतुर्गुणमित्यादि योज्यम् । निष्कश्च लोकशास्त्रयोरेकवाक्यतायां माषाः ४० । तदर्धं २१ । मुख्यसुवर्णं । तदशक्तौ रजतं ग्राह्यम् । ततो निवेदितप्रायश्चित्तं तव अनुग्रह इत्यंगीकृत्य संमानपूर्वं प्रणम्य पर्षदं विसृजेत् । अस्मिन्नहनि शक्तेनोपवासः कार्यः । इतरेण हविष्याशनं ततः कस्यां चन्द्रिकायां तिथौ कृतमाध्यान्हिकः सायान्हे गंगादौ देशकालौ संकीर्त्य अमुकशर्मणे मम जन्मप्रभृति अद्य यावत् ज्ञानाज्ञानकामाकामसकृद्सकृत्कृतकायिकवाचिकमानसिकसांसर्गिकभुक्ताभुक्तपीतापीतसकलपातकातिपातकोपपातकसंकरीकरणमलिनीकरणअपात्रीकरणजातिभ्रंशकरप्रकीर्णपातकानां निरासेन अस्मिन्काले शुद्ध्यर्थं परमेश्वरप्रीत्यर्थं चामुकप्रायश्चित्तममुकप्रत्याम्नायेन प्राच्योदीच्यांगसहितं यथाशक्ति करिष्ये इति संकल्प्य ततो वपनम्

"यानि कानि च पापानि ब्रह्महत्यासमानि च । केशानाश्रित्य तिष्ठंति तस्मात्केशान्वपाम्यहम् ॥"

इति मंत्रेण शिखाकक्षोपस्थवर्जं नखरोमाणि वपयित्वा प्राङ्मुखो द्वादशांगुलदंतकाष्ठेन

"आयुर्बलं यशो वर्चः प्रजाः पशुवसूनि च । ब्रह्म प्रज्ञां च मेधां च त्वन्नो देहि वनस्पते"॥

इति दंतान्संशोध्य स्नात्वा भस्मादिस्नानं कुर्यात् । अथ **भस्मस्नानप्रयोगः** । प्रक्षाल्य पादौ हस्तौ च शुद्धे आसने उपविश्य आचम्य त्रिः प्राणायामं कृत्वा भस्मस्नानं करिष्य इति संकल्प्य । ईशानाय नम इति शिरसि । तत्पुरुषाय नम इति मुखे । अघोराय नम इति हृदये । वामदेवाय नम इति गुह्ये । सद्योजाताय नम इति पादयोः । प्रणवेन सर्वांगे । यद्वा अग्निरिति भस्म । वायुरिति भस्म । जलमिति भस्म । स्थलमिति भस्म । व्योमेति भस्म । सर्वं ह वा इदं भस्मेति मंत्रैः स्नायात् । एवं भस्मस्नानानंतरं । **गोमयेन** स्नायात् । गंधद्वारामिति ।

"अग्रमग्रं चरंतीनामोषधीनां रसं वने । तासामृषभपत्नीनां पवित्रं कायशोधनम् ॥

"तन्मे रोगांश्च शोकांश्च नुद गोमय सर्वदा" । स्नानं कुर्यात् । अथ **मृत्तिकास्नानम्** ।

आचम्य प्राणानायम्य प्रायश्चित्तांगभूतं मृत्तिकास्नानं करिष्ये इति संकल्प्य उपस्पृश्य । अश्वक्रांते सहस्रपरमा देवीति भूमिं दूर्वे अभिमंत्र्योऽद्धृतेति नदीतटाल्लोष्टमादाय कांडात्कांडादिति द्वाभ्यां दूर्वामादाय मृत्तिके हर मे पापमिति दूर्वां लोष्टं च प्रतिष्ठाप्य यत इंद्र भयामहे स्वस्तिदा स्वस्ति न इंद्रो वृद्धश्रवा त्रातारमिंद्रमिति प्रतिमंत्रं प्रतिदिशं लोष्टमुत्सृज्य स्योना पृथिवीति पृथिव्यामूर्ध्वं ऊषुण ऊतय इत्यूर्ध्वं गंधद्वारामिति लोष्टमादायोदुत्यं जातवेदसमिति सूर्याय संदर्श्य सहस्रशीर्षेति शिर आलिप्य श्रीर्मे भजत्विति ललाटमुपस्पृश्य अलक्ष्मीर्मे नश्यत्वित्यात्मानं प्रदक्षिणीकृत्य हस्तस्थं लोष्टमुत्सृज्य विष्णुमुखा इति मुखं ओजो ग्रीवाभिरिति ग्रीवा महाँ इंद्रो वज्रबाहुरिति बाहुं सोमानं स्वरणमिति कक्षौ शरीरं यज्ञशमलमिति शरीरं ब्रह्मजज्ञानमिति स्तनौ नाभिर्मे चित्तं विज्ञानमिति नाभिं विष्णोरराटमसीति पृष्ठमापांतमन्युरिति कटिं वरुणस्य स्कंभनमसीति मेढ्रमानंदनंदावित्यण्डावूरुत्रोरोज इत्यूरुजंघाभ्यामिति जंघयोश्चरणं पवित्रमिति चरणमिदं विष्णुरिति द्वाभ्यां पादौ त्रीणि पदा विचक्रम इत्यधस्तलपादौ सजोषा इंद्र सगणो मरुद्भिर्दूर्वासहितं शेषं लोष्टं शिरसि निधाय सुमित्रा न आप ओषधयः संत्वित्यासनमभिषिंचेदुदकांजलिमादाय दुर्मित्रास्तस्मै भूयासुरिति प्रथमं योऽस्मां द्वेष्टीति द्वितीयं यं च वयं द्विष्म इति तृतीयमुदकमुत्सिच्य हिरण्यशृंगमिति तीर्थमभिमंत्र्यापोवगाह्याचम्यापोहिष्ठामयो भुव इति तिसृभिर्हिरण्यवर्णाः शुचयः पावका इति चतसृभिः पवमानः सुवर्जनः इत्येतानुवाकेनान्यैर्वा पवित्रमंत्रैर्मार्जयित्वा नमोऽग्नयेऽप्सुमत इति नमस्कृत्य यदपांक्रूरमित्यपोऽभिमंत्र्येमं मे गंगे इति दक्षिणं हस्तांगुष्ठमप्सु त्रिः प्रदक्षिणमावर्तयित्वाऽघमर्षणसूक्तस्याघमर्षण ऋषिः । भाववृत्तं देवता । अनुष्टुप्छंदः । मम सर्वाघनिर्हरणार्थे जपे विनियोगः । ऋतं च सत्यं चेत्यघमर्षणसूक्तमंतर्जले त्रिवारं द्विवारं वा जप्त्वा प्रवाहाभिमुखं त्रिः स्नायात् । इति मृत्तिकास्नानम् । एतावत्यशक्तौ अश्वक्रांते इत्यादिभिरंगोद्वर्तनमात्रम् । तत आपो हि ष्ठेति शुद्धोदकेन स्नायात् । अथ **पंचगव्यस्नानानि** । गायत्रिया गोमूत्रेण । गंधद्वारामिति गोमयेन । आप्यायस्वेति क्षीरेण । दधिक्राव्ण इति दध्ना । घृतं मिमि० घृतेन । देवस्य त्वेति कुशोदकेन स्नानं कुर्यात् । देवस्य त्वेतिमंत्रेणअभिषिंचामीति वाक्यशेषः । स्त्रीणां शूद्राणाममंत्रकाणि स्नानानि । एवं दश स्नानानि विधाय व्याहृतीभिर्देवर्षिपितॄंस्तर्पयित्वा शुची वो हव्यामिति वस्त्रमद्भिः प्रोक्ष्य देवस्य त्वेति वस्त्रमादायायावधूतमित्यवधूयोदुत्यं जातवेदसमित्यादित्यं दर्शयित्वाऽऽवहंतीति पंचवाक्यैर्वासः परिधायाचम्याऽऽसने उपविश्य त्रीन्प्राणायामान्धारयित्वाऽष्टशतगायत्रीं जपेद्ब्राह्मणः पूतो भवत्यष्टसहस्रगायत्रीं जपेद्रोगी रोगात्प्रमुच्यते द्वादशसहस्रगायत्रीं जपेद्ब्रह्महत्यागोवधगुरुतल्पगसुरापसुवर्णस्तेयानामन्येषां च सर्वपापानां प्रणाशनमिति विज्ञायते इत्याह भगवान्**बौधायनः** (गृ. सू. ५।४)। ततो

"गवामंगेषु तिष्ठंति भुवनानि चतुर्दश । यस्मात्कस्माच्छिवं मे स्यादिह लोके परत्र चेति ॥"

मंत्रेणादिगोदानं प्रत्यक्षं निष्कद्वारा वा कुर्यात् । ततो विष्णूद्देशे चतुरो ब्राह्मणान्पूजापूर्वकं भोजयेत् । आमान्नं वा दद्यात् । इदमेव प्रायश्चित्तांगभूतं विष्णुश्राद्धमित्यभिधीयते । ततोऽग्निस्थापनाद्याज्यसंस्कारांते आज्येन व्याहृतीभिः पापहाविष्णूद्देशेनाष्टाविंशतिरष्टोत्तरशतं आहुतीर्जुहुयात् । ततः पंचगव्यं कार्यम् । सुवर्णादिपात्रे पद्मादिपात्रे वा गोमूत्रं त्रिपलं गायत्र्या प्रणवेन वा आदाय

ततोऽगुष्ठपरिमितं गोमयं गंधद्वारेत्यादाय ततः सप्तपलमाप्यायस्वेति मंत्रेण क्षीरमादाय एकपलं घृतं मिमिक्षिर इत्यादाय एकपलं कुशोदकमापो हि ष्ठेत्यादाय तत्सर्वं प्रणवेनालोड्य प्रणवेनैव यज्ञियकाष्ठेन मयूखैः स्वाहाभिमंत्र्य सप्तपत्रैर्हरितैः कुशैर्दशाहुतीर्जुहुयादभिमंत्रैः। मंत्राश्च। इरावती धेनुमतीति संहितापाठेन मयूखैः स्वाहा। पृथिव्या इदं। इदं विष्णुर्विच० सुरे स्वाहा। विष्णव इदं। मा नस्तोके० विधेमते स्वाहा। रुद्रायेदम्। ब्रह्म जज्ञानं० विवः स्वाहा। ब्रह्मण इदम्। अग्नये स्वाहा। अंग्नय इदं। सोमाय स्वाहा। सोमायेदं। तत्सवितुर्वरेण्यं० यात्स्वाहा। सूर्यायेदं। ॐ स्वाहा। प्रजापतय इदं। भूर्भुवः सुवः स्वाहा। प्रजापतय इदम्। अग्नये स्विष्टकृते स्वाहा। अग्नये स्विष्टकृते इदम्। व्रतग्रहणं करिष्य इति द्विजान्पृष्ट्वा तैः कुरुष्वेत्यनुज्ञातः प्रणवेन पंचगव्यं सर्वं पिबेत्। एतच्च ग्रामाद्बहिर्नद्यादेस्तीरे गृहे वा कार्यम्। अशक्तौ गोमूत्रादि स्वल्पं ग्राह्यम्। सर्वस्य पेयत्वात्। अस्मिन्दिने उपवासः शक्तौ सत्यां अशक्तस्य हविष्याशनम्। इति पंचगव्यं प्राश्य गृह आगत्य विष्णुं स्मरन्मौनी निशामतिवाह्य प्रक्रांतं प्रायश्चित्तसंकल्पानुसारेण प्रत्याम्नायद्वारा कुर्यात्। ततो विष्णूद्देशेन त्रिभ्योधिकान्ब्राह्मणान्पूजापूर्वकं भोजयेत्। आमान्नं वा दद्यात्। इदमेव प्रायश्चित्तांगभूतं विष्णुश्राद्धमित्याभिधीयते। ततोऽग्निस्थापनादिपूर्ववदष्टाविंशतिव्याहृतीर्जुहुयात्। एवं प्रायश्चित्तं कृत्वांऽत्यगोदानं कुर्यात्। शक्तौ सत्यां दश दानानि दद्यात्। तानि च

"गोभूतिलहिरण्याज्यवासोधान्यगुडानि च। रौप्यं लवणमित्याहुर्दश दानानि पंडिताः॥"

इति उक्तानि। अथ तेषां मंत्राः। गवामंगेषु वि. पूर्ववद्गोदानमंत्रः।

"सर्वभूताश्रया भूमिर्वराहेण समुद्धृता। अनंतसस्यफलदा अतः शांतिं प्रयच्छ मे॥" भूमिदानमंत्रः।

"तिलाः पापहरा नित्यं विष्णोर्देहसमुद्भवाः। तिलदानेन सर्वान्मे पापान्नाशय केशव॥"तिलदानमंत्रः।

"हिरण्यगर्भगर्भस्थं हेमबीजं विभावसोः। अनंतपुण्यफलदमतः शांतिं प्रयच्छ मे॥"हिरण्यदानमंत्रः।

"कामधेनुसमुद्भूतं सर्वक्रतुषु संस्थितम्। देवानामाज्यमाहारमतः शांतिं प्रयच्छ मे॥" वस्त्रदानमंत्रः।

'धान्यं करोविदातारमिह लोके परत्र च। तस्मात्प्रमुच्यते धान्यमतः शांतिं प्रयच्छ मे॥"धान्यमंत्रः।

"यथा रसानां प्रवरः सदैवेक्षुरसो मतः। मम तस्मात्परां लक्ष्मीं ददस्व गुड सर्वदा॥"गुडदानमंत्रः।

"रसानामग्रजश्रेष्ठं लवणं बलवर्द्धनम्। सर्वस्वादुरसं नित्यमतः शांतिं प्रयच्छ मे॥" लवणमंत्रः।

एवं दश दानानि दत्वा मंत्रहीनमिति वदन् विष्णुं स्मरन् एतानि दश दानानि सभ्येभ्य एव तदसंभवे अन्येभ्योऽपि। ततः यन्मया कृतम् अमुकं प्रायश्चित्तं तत् अछिद्रमस्तु इति कर्त्रा उक्ते अछिद्रमस्त्विति ब्राह्मणाः प्रतिकुर्युः। यद्वा

"व्रतच्छिद्रं तपच्छिद्रं यच्छिद्रं यज्ञकर्मणि। सर्वं भवतु तेऽच्छिद्रं यस्य चेच्छंति वै द्विजाः॥"

इति प्रतिवचनम्। एतत्प्रायश्चित्तमकृत्वैव यदि पित्रादि मृतस्तदा पातकसत्तानिश्चये पुत्रादिना इदमवश्यं कर्तव्यम्। अनिश्चये नावश्यकम्। पुत्रादिना करणे पंचगव्यप्राशनाभावः। यो मुमूर्षुः पुरुषः स्वयं चेतनवेलायां श्रोत्रियं वेदविदं ब्राह्मणमाहूय उदङ्मुखः उपवेश्य स्वयं प्राङ्मुखः सन् आचम्य प्राणानायम्य देशकालौ संकीर्त्य अमुकगोत्रोऽमुकशर्मणो मम सुखेन प्राणोत्क्रमणप्रतिबंधकोक्तनिष्कृतिअनुक्तनिष्कृति सकलपापक्षयद्वारा सुखप्राणोत्क्रमणार्थं यथाशक्त्यालंकृतां इमामुत्क्रांतिधेनुं रुद्रदैवत्यां अमुकगोत्रायामुकशर्मणे तुभ्यं संप्रददे इत्युक्त्वा अत्युत्क्रांतौ

प्रवृत्तस्य सोत्क्रमणसिद्धये तुभ्यं संप्रददे नाम्ने इमामुत्क्रांतिसंज्ञिकां इमं मंत्रमुक्त्वा न ममेति विप्रेहस्ते जलान्नजपेत् । सोऽपि देवस्य त्वेति विधिना स्वस्तीति प्रतिगृह्णीयात् । गोरभावे तत्स्वरूपभूतं मौल्यं वा दद्यात् । पित्रादेरशक्तौ पुत्रादि दद्यात् । तत्र ममपदस्थाने पितुरिति । अथ **वैतारणीदानम्** । आचम्य प्राणानायम्य देशकालौ संकीर्त्य अमुकशर्मणो मम यमद्वारस्थितवैतरण्याख्यानद्युत्तरणार्थं गोदानमहं करिष्ये । ब्राह्मणमाहूय यथाशक्ति समभ्यर्च्य

"धेनुके त्वं प्रतीक्षस्व यमद्वारे महापथे । उत्तितीर्षुरहं देवि वैतरण्यै नमोऽस्तु ते ॥" इति धेनुं प्रार्थ्य

"विष्णुरूप द्विजश्रेष्ठ भूदेव पङ्क्तिपावन । तर्तुं वैतरणीमेनां कृष्णां गां ते ददाम्यहम् ॥" इति ब्राह्मणं प्रार्थ्य

"यमद्वारे पथे घोरे तप्ता वैतरणी नदी । तां तर्तुकामो यच्छामि कृष्णां वैतरणीं तु गाम् ॥"

इमं मंत्रमुक्त्वा अमुकगोत्रोमुकनामाहम् अमुकशर्मणे तुभ्यम् इमां गां कृष्णवस्त्ररक्तमाल्याद्यलंकृतां यथाशक्ति दक्षिणासहितां संप्रददे न ममेति जलपूर्वकं दद्यात् । सोऽपि देवस्य त्वेति प्रतिगृह्णीयात् । कृष्णाया अभावे अन्यवर्णापि देया । गोरभावे द्रव्यं देयम् । पित्रादेरशक्तौ पुत्रादिर्दद्यात् । तत्र आद्यमंत्रे उत्तितीर्षुरयमिति पठेत् । द्वितीयमंत्रे तर्तुं वैतरणीमस्येति । तृतीये तां तर्तुमस्येति । इति वैतरणीदानम् । अथ **तिलपात्रदानम्** । यथाशक्ति कांस्यपात्रे तिलान् क्षिप्त्वा सुवर्णं च । तत आचम्य प्राणानायम्याद्येत्यादि जन्मप्रभृतिमरणांतं कृतनानाविधपापशमनार्थं तिलपात्रदानं करिष्ये इति संकल्प्य ब्राह्मणमाहूयाभ्यर्च्य मम जन्मारभ्य मरणांतं नानाविधकृतसर्वपापप्रशमनार्थं तिलपात्रं सदक्षिणां अमुकगोत्रायामुकशर्मणे तुभ्यं संप्रददे

"तिलाः पुण्याः पवित्राश्च तिलाः सर्वकराः स्मृताः । शुक्ला वा यदि वा कृष्णा ऋषिगोत्रसमुद्भवाः ॥

"यानि कानि च पापानि ब्रह्महत्यासमानि च । तिलपात्रप्रदानेन तानि नश्यंतु सर्वदा ॥

"महर्षेर्गोत्रसंभूताः कश्यपस्य तिलाः स्मृताः । तस्मादेषां प्रदानेन मम पापं व्यपोहतु ॥" इति

मंत्रमुक्त्वा न ममेति विप्रहस्ते जलं क्षिपेत् । पुत्रादिस्तु अस्य पापं व्यपोहतु इति वदेत् यद्वा अयं मंत्रः

" यो देवः पितृरूपेण हव्यकव्यभुगव्ययः । तिलपात्रप्रदानेन स मे विष्णुः प्रसीदतु ॥"

दातर्नरे । "सोऽस्य विष्णुः प्रसीदतु" इति पठेत् । एतन्मंत्रपक्षे विष्णुप्रीतिरेव फलत्वे उल्लेख्य । इति तिलपात्रदानम् । इति प्रायश्चित्तप्रयोगः ।

कर्मविपाके साधारणं उच्यते । रोगीपापानुसारतः प्रायश्चित्तं कुर्यात् । ततः संभारानुपकल्प्य दानं कुर्यात् । व्याधिप्रतिकृतिदानं कुर्यात् । सूर्यप्रतिमां पलेन तदर्धेन तदर्धेन वा द्विलोचनां द्विभुजां हस्तद्वये पद्मद्वयं दधानां कुर्यात् । व्याधिप्रतिमालक्षणं तत्तत्प्रकरणेऽभिधास्यते । मंडपं कुंडं वेदिकां च कुर्यात् ।

अथ **कर्मविपाकरोगहरसाधारणप्रयोगः** । रोगी रोगानुसारेण प्रायश्चित्तं कुर्यात् । ततः शुभे दिने संभृतसंभारः शुचिराचम्य प्राणानायम्य मया जन्मांतरे कृतस्य अमुकपापस्य प्रायश्चित्ताकरणेन अनेन शरीरेण अनुभूयमानस्य तज्जन्यामुकरोगस्यैतच्छरीराविरोधेन नाशार्थममुकदानात्मकतयात्मकं होमात्मकं वा कर्म करिष्ये इति संकल्प्य तदंगत्वे गणपतिपूजनं स्वस्तिपुण्याहवाचनं मातृकापूजनं नांदीश्राद्धं च कृत्वाऽऽचार्यब्रह्मसहिता दश देवता ऋत्विग्वरणं कुर्यात् । ततो वस्त्रालंकारभूषणकमंडलुआसनादिभि-

मधुपर्कादिपूजां कुर्यात् । ततः कृतोपवास आचार्यो यदत्र संस्थितं भूतमित्यादि संकल्पपूर्वकं मंडपप्रतिष्ठां कुर्यात् । ततोऽग्न्युत्तारणपूर्वकं रात्रौ सूर्यप्रतिमां आतंकनाम्नीरोगप्रतिमां चाधिवासयामीति वेदिकायां गंधपुष्पाक्षतैरधिवास्य सूर्याय नम आतंकनाम्न्यै अमुकव्याधिदेवतायै नम इति नाममंत्रेण षोडशोपचारपूजां कृत्वा सौराष्टाक्षरेण सूर्यपूजां च कुर्यात् । ततोऽर्धरात्रौ ऋत्विग्युत आचार्यो मंडपाद्बहिः पायसबलिं दद्यात्तत्र मंत्रः

"आदित्या वसवो रुद्रा देवा भूतानि पन्नगाः । बलिदानेन दत्तेन शांतिं कुर्वंतु सर्वदा ॥" इति । ततो रात्रौ जागरणं कुर्यात् । तत उषसि स्नात्वा श्वेतवाससीपरिहितः शुक्लमाल्यानुलेपनः सालंकारो वेदिकाया उपरि गोमयेन मंडलाकारं चतुरस्रं मंडपं लिप्य तस्योपरि पिष्टेन तंडुलचूर्णेनाष्टदलं पद्मं लिखित्वा तस्योपरि तिलैः पंचचतुस्त्रिभिर्वा द्रोणै राशिं कृत्वा तस्योपरि अष्टभिश्चतुर्भिर्द्वाभ्यां वा पलैः कृतं ताम्रपात्रं शालेयै राक्षितैः पूर्णं संस्थाप्य तत्राष्टदलं कमलं लिखित्वा तस्योपरि हैममष्टदलं कमलं संस्थाप्य ततः रोगप्रतिमां पूर्वप्रतिमां च पंचगव्येनाष्टाक्षरेण स्नापितां वस्त्रालंकारयुक्तां ताम्रपात्रोपर्यष्टदलसुवर्णकर्णिकायां स्थापयेत् । घृणिः सूर्यः आदित्यः इत्यष्टाक्षरस्य सौरमंत्रस्य देवोभर्गऋषिः सूर्यो देवता गायत्री छंदः । अथ ध्यानं

"दीप्यमानप्रभाचक्रं सांद्रसिंदूरभूषितम् । पद्मौ दधानं हस्ताभ्यां स्मेरवक्त्रं द्विलोचनम् ॥

"दिव्याभरणसंपन्नं रक्तस्रग्गंधवाससम् । सागं हेमारविन्दस्य कर्णिकायां निषेदुषम् ॥" इति ध्यात्वा रोगप्रतिमां सूर्यप्रतिमां च स्थापयेत् । ततः पूर्वपत्रस्य दलप्रथमभागे शुक्रं स्थापयेत् । एवमाग्नेयदलादिषु अंगारकबुधराहुगुरुमंदइंदुकेतून्क्रमेण स्थापयेत् । कर्णिकामध्ये सूर्यसमीपे अश्विनीभरणीकृत्तिका चेति त्रीणि नक्षत्राणि स्थापयेत् । ततः पूर्वदलस्याग्रे रोहिण्यादित्रीणि त्रीणि । एवमुत्तरत्रापि त्रीणि त्रीणि नक्षत्राणि स्थापयेत् । ततः सौराष्टाक्षरेण सूर्यस्यान्येषां नाममंत्रेण चतुर्थ्यंतेन नमोयुक्तेन पूजां कुर्यात् । क्षीरनैवेद्यं दद्यात् । तत आचार्यश्चतुर्भिर्ऋत्विग्भिः सहितस्तत्रैव तिलराशिसमीपे वेदिकायां पूर्वस्यां दिशि धान्यराशौ लोहितान्नवानव्रणान् पंचकलशान् मही द्यौरित्यादिभिः स्थापयेत् । जलेनापूर्य कलशे प्रत्येकं नवरत्नानि

"अश्वस्थानाद्गजस्थानाद्वल्मीकात्संगमाद्ध्रदात् । राजद्वारान्मृत्तिकाश्चंदनकलशसहिताः ॥

रोचनागुग्गुलपंचपल्लवान्निक्षिप्य अलंकृतमुख्यान्श्वेतवस्त्रेण वेष्टितान्स्थापयेत् । ततो वरुणमावाह्य संपूज्य वक्ष्यमाणमंत्रान्पठेत् । आपो हि ष्ठा मयो भुव इति तृचस्य सिंधुद्वीप ऋषिः । आपो देवता गायत्री पाठे विनियोगः । हिरण्यवर्णा इति तृचस्याग्निकांडपतित्वेन अग्निर्ऋषिः आपो देवता त्रिष्टुप्छंदः । पाठे विनियोगः । आ नो भद्रेति दशर्चस्य सूक्तस्य गौतमो राहुगण ऋषिः । विश्वेदेवा देवताः । आद्या पंचमी सप्तमी जगत्यः षष्ठी विराट् । शेषास्त्रिष्टुभः । पाठे वि० । स्वस्ति नो० मिमीतामिति पंचर्चस्य आत्रेयस्वस्त्यात्रेय ऋषिः । विश्वेदेवा देवताः । तिस्रस्त्रिष्टुभो द्वे अनुष्टुभौ । द्वौ शं न इंद्राग्नी इति पंचदशर्चस्य सूक्तस्य वसिष्ठ ऋषिः । विश्वेदेवा देवताः । त्रिष्टुप्छंदः । रक्षोहणमिति पंचविंशर्चस्य सूक्तस्यांगीरसऋषिः । अग्निर्देवता । त्रिष्टुप्छंदः । अत्यांश्चतस्रोऽनुष्टुभः । आशुः शिशान इति त्रयोदशर्चस्य सूक्तस्य इंद्रोप्रतिरथ ऋषिः । इंद्रो देवता । त्रिष्टुप् छंदः । चतुरोऽनुष्टुभः । अंत्यात्रिष्टुप् त्यमूषुवाजिनमिति तृचस्य अरिष्टनेमिताक्ष्र्य ऋषिः । ताक्ष्र्यो देवता । त्रिष्टुप्छंदः । शांतिपाठे विनियोगः । इत्याश्वलायनानां शांतिः । अथ **तैत्तिरीयाणांघोषशांतिः** । तत्र शन्नो वातः पवतामित्यनुवाकस्य

सोमकांडांत:पातित्वात्सोम ऋषिः । वातादयो लिंगोक्ता विशेषा देवताः । आद्या षट्पदा जगती द्वितीया गायत्री इडायै वास्त्वसीति प्रतिष्ठासीति च द्वे यजुषी। आवा तवाहीति द्वे अनुष्टुभौ। यद्दोवात इति पंचपदा पङ्क्तिः । वात आवात्विति द्वे गायत्र्यौ भूः प्रपद्य इति अंतरिक्षं इति प्राणापानाविति च त्रीणि यजूंषि । ध्रुभिरक्तुभिरिति त्रिष्टुप् । कयानश्चित्रा इति तिस्रो गायत्र्यः । वयः सुपर्णा इति त्रिष्टुप् । शन्नो देवीरिति द्वे गायत्र्यौ । सुमित्रा नः दुर्मित्रा इति द्वे यजुषी । आपो हि ष्ठेति तिस्रो गायत्र्यः । पृथिवी शांतेति अंतरिक्षः शांतिमिति द्यौ शांतेति पृथिवी शांतिरिति तयाहशांत्येति एह श्रीश्च ह्रीश्चेति षड् यजूंषि । उदायुषेत्यनुष्टुप् । चक्षुरित्याकृतिः । उद्गादिपङ्क्तिश्चतुष्पदा । ब्रह्मणश्चोतन्यसीति यजुरादिकामा महद्दोधीति एकपदा गायत्री । मेधा मनीषेति यजुः । आभिर्गीर्भिरित्यनुष्टुप् । ब्रह्मप्रावादिष्णोति यजुः । शांतिपाठे विनियोगः । ततश्चतुरो ब्राह्मणान् जपार्थं वृणुयात् । ते च सूर्यमंत्रमयुतं तदधिकं वाऽयुतार्धं वा तदर्धं वा प्रत्येकं मिलित्वा वा जपेयुः । इदं च संख्या प्रधानमंत्रजपे । सूर्यव्यतिरिक्तेतरग्रहनक्षत्रमंत्रजपे तु शक्त्यनुसारेण प्रधानमंत्रजपसंख्यातो न्यूनसंख्यया जप्तव्यम् । ततो दर्भाणां मुष्टिना सुवर्णशलाकया दर्भगर्भेण वा शिरःप्रभृति पादपर्यंतं यथालिंगं त्रिःप्रमृज्य ततः शांतिपाठं कुर्वन् ऋत्विगादिभिर्ब्राह्मणैः सहितस्तैः पूर्वस्थापितस्नानकलशांभोभिरभिषिच्य स्वयमाचार्यः पुनर्यथापूर्वमानुलोम्येनाक्षिभ्यामित्येतत्सूक्तं पठन्नेव दर्भगर्भेण वाससा परिमार्जयेत् । ततो रोगी श्वेतवस्त्रादिभिरलंकृतः उत्तराभिमुखः सन्पूर्वाभिमुखमाचार्यादिमभ्यर्च्य तां व्याधिप्रतिमां सूर्यप्रतिमां च । दद्यात् । तत्र प्रतिमादानमंत्रः

"पद्मोद्भवः पद्मकरः सप्ताश्वरथवाहनः । प्रतिमानेन दानेन तुष्येत्सर्वजगद्गुरुः ॥
"इह जन्मनि यत्पापमन्यजन्मनि वा कृतम् । सप्रत्ययाप्रत्ययाभ्यां तत्सर्वं शमयत्यसौ ॥
"मंत्रेणानेन दत्वा तं प्रणिपत्य समाप्य च । आसीमांतमनुव्रज्य तन्मुखं नावलोकयेत् ॥" तन्मुखं

प्रतिगृहीतुर्मुखम् । आचार्येणाभ्यनुज्ञातः प्रविष्टो भवनं निजे । आचार्यस्य प्रतिगृहीतृत्वपक्षे तदनुज्ञा ।

"ऋत्विग्यो दक्षिणां दत्वा कृत्वाराधनमश्विनोः । धन्वंतरेश्च संतर्प्य दीनानाथानुपस्थितान् ॥
"मंगलध्वनिना तोयैः ससर्वौषधिपल्लवैः । मंत्राभिमंत्रितैः स्नानकृतकौतुकमंडनः ।
"प्रसन्नचेताः पुण्याहं वाचयित्वा शतं द्विजान् । तदर्धं वा तदर्धं वा क्रियासाद्गुण्यसिद्धये ॥
"मिष्टान्नैर्भोजयित्वाऽथ स्वयं भुंजीत बंधुभिः । ये ये रोगाः प्रबाधन्ते राजयक्ष्मज्वरादयः ॥
"तेषां तेषां प्रतिछंददानैरिज्याप्रयत्नतः ।" प्रतिछंदः । प्रतिकृतिः । इज्या पूजा ।

इतीतीयमितिकर्तव्यता सर्वप्रतिमादाने समुच्चीयते । अथ स्पष्टार्थं उच्यते । कर्ता सर्वां प्रायश्चित्तसामग्रीं संपाद्य रिक्तायां तिथावन्यस्मिन्वा पुण्येऽह्नि दिनांतेऽपराह्णे वा पूर्वोक्तलक्षणयुक्तान्विप्रान्पर्षत्वेनोपवेश्य समाहितमना भूत्वा क्लिन्नवासा अभुंजानः परिषदं प्रदक्षिणीकृत्य मासपक्षाद्युल्लिख्य 'करिष्यमाणप्रायश्चित्तांगत्वेनेदं गोवृषनिष्क्रयीभूतं द्रव्यं सभ्येभ्यो दातुमहमुत्सृजे' इति संकल्प्य शास्त्रोक्तगोवृषमूल्यं पर्षदे दत्वा साष्टांगं भूमौ नमस्कुर्यात् । ततस्तैर्विप्रैः

"किं ते कार्यं वदास्माभिः किं वा मृगयसे द्विज । तत्वतो ब्रूहि तत्सर्वं सत्यं हि गतिरात्मनः ॥
"यदि चेद्रक्ष्यसे सत्यं नियतं प्राप्स्यसे शुभम् । यथागतोऽसि सत्येन तत्त्वं शुध्यसि कर्हिचित् ॥"

इति पृष्टोऽमुकशर्मणो मे जन्मप्रभृति अद्य यावज्ज्ञानाज्ञानकामाकामसकृदसकृत्कृतकायिकवाचिकमानसिकसांसर्गिकस्पष्टास्पष्टभुक्ताभुक्तपीतापीतसकलपातकोपपातकलघुपातकसंकरीकरणमलिनीकरणापात्रीकरणजातिभ्रंशकरप्रकीर्णकपातकानां मध्ये संभावितानां पापानां निरासार्थमनुग्रहं कृत्वा प्रायश्चित्तमुपदिशंतु भवंत इत्युक्त्वा प्रणमेत्प्रार्थयेच्च । तत्र मंत्राः

"सर्वे धर्मविवेक्तारो गोप्तारः सकला द्विजाः । मम देहस्य संशुद्धिं कुर्वंतु द्विजसत्तमाः ॥

"मया कृतं महाघोरं ज्ञातमज्ञातकिल्बिषम् । प्रसादः क्रियतां मह्यं शुभानुज्ञां प्रयच्छथ ॥

"पूज्यैः कृतः पवित्रोऽहं भवेयं द्विजसत्तमैरिति" । मामनुगृह्णंतु भवंत इति वदेत् । ततस्ते विचार्य यथासामर्थ्यं पापानुसारेण प्रायश्चित्तमुपदिशेयुः । ततः कर्ता मासपक्षाद्युच्चार्य करिष्यमाणप्रायश्चित्तांगत्वेन निबंधपूजामनुवादकपूजां च करिष्ये इति संकल्प्य चंदनादिना संपूज्य निबंधपूजात्वेन यथाशक्ति द्रव्यं संकल्पानुवादकाय पापानुसारेण दक्षिणां दद्यात् । ततोऽनुवादकः कथयेत् । कर्ता स्वस्थचित्तः सन् शृणुयात् । तवामुकशर्मणः जन्मप्रभृति अद्य यावत् संभावितानां पातकानां निरासद्वारा श्रीपरमेश्वरप्रीत्यर्थं सभ्योपदिष्टं षडब्दं वा त्र्यब्दं वा सार्द्धाब्दं वा प्रायश्चित्तं गोनिष्क्रयद्रव्यदानप्रत्याम्नायद्वारा उपदिश्यते । तस्मिन्यथाशक्तिप्राच्योदीच्यांगसहिते आचीर्णे तव शुद्धिर्भविष्यति । तेन त्वं कृतार्थो भविष्यसि । कर्त्ता च भवदनुग्रह इति वदेत् । अयं चोपदेशस्त्रिवारं कार्य इति । तत्र मुख्यं सुवर्णं गोनिष्क्रयः । अशक्तौ तु रूप्यम् बोध्यम् । ततः कर्त्ता देशकालौ निर्दिश्यामुकशर्मणो मम जन्मप्रभृति अद्य यावत् संभावितानां पापानां निरसनद्वारा श्रीपरमेश्वरप्रीत्यर्थं सभ्यैरुपदिष्टं षडब्दादिप्रायश्चित्तं प्राच्योदीच्यांगसहितं अमुकप्रत्याम्नायेनाचरिष्ये करिष्ये इत्युक्त्वा तदंगत्वेन वपनं करिष्ये इति संकल्प्य शिरसि हस्तं निधाय

"यानि कानि च पापानि ब्रह्महत्यासमानि च । केशानाश्रित्य तिष्ठंति तस्मात्केशान्वपाम्यहम्"॥

इति मंत्रं पठित्वा शिखाकक्षोपस्थरहितकेशादीन्वापयित्वा

"आयुर्बलं यशो वर्चः प्रजाः पशुवसूनि च । ब्रह्म प्रज्ञां च मेधां च त्वन्नो देहि वनस्पते"॥इति ।

मंत्रेणाभिमंत्रितेन द्वादशांगुलप्रमाणेनापामार्गादिदंतकाष्ठेन प्राङ्मुखो

"मुखदुर्गंधिनाशाय दंतानां च विशुद्धये । ष्ठीवनाय च गात्राणां कुर्वेहं दंतधावनमिति ॥"

मंत्रेण दंतान्धावयित्वाप्सु निमज्य भस्मादिस्नानं कुर्यात् । तच्चेत्थं प्रायश्चित्तांगत्वेन भस्मस्नानं करिष्ये इति सं० भस्मादाय ईशानः स० शिरः । त्र्यंब० मुखे । ऋतꣳ सत्यं० हृदये । यो रुद्रो अग्नौ गुह्ये । एष ते रुद्रभागः पादयोः । प्रणवेन सर्वांगेष्वालिप्य स्नात्वा । प्रा- गोमय- नं- पुष्पैकः नृप गोमयमादाय व्याहृत्या त्रिधा विभज्यादित्याय प्रदर्श्य

"अग्रमग्रं चरंतीनामोषधीनां वने वने । तासामृषभपत्नीनां पवित्रं कायशोधनम् ॥

"तन्मे रोगांश्च शोकांश्च नुद गोमय सर्वदा ।"

संख्या बाधकत्वाच्च । न द्वितीयः सत्ववचनत्वेन संख्यान्वयस्य स्वतः सिद्धत्वात्तादृशाऽनुपूर्व्या च तस्य वा भाष्येऽभावाच्चात आह । **अभेदैकत्वसंख्येति । तदर्थ इति** । अभेदेनाविभागेन एकत्वादिसूपविषसंख्या एकत्वपदमुपलक्षणं संख्याविशेषाणामविभागेन सत्वमिति

*इतः परं संगतिर्विचारणीया.

तस्यार्थः । संख्यात्वेनेकराजसंबंधी राजद्वयसंबंधी वेत्यादिरित्यात्र बोधः विभक्त्यभावेन संख्याविशेषाणां तत्तद्रूपेणाप्रतीत्यासंख्यात्वेनैव सर्वसंख्यानां भानात् । मधुनि रसत्वेन सर्वरसभानवत् । अथवा एकत्वस्य सर्वतः प्रथमोपस्थितत्वादेकस्य द्वित्वादीन्प्रतिनिमित्तत्वेन सामान्यत्वाच्च द्वित्वाद्यनुस्यूतैकत्वादेकस्वभावेनाभिन्नामिवैकत्वं तद्रूपासंख्याऽभेदैकत्वसंख्यापदेनोच्यते इति परित्यक्तविशेषं संख्यासामान्यमिति परमार्थः । अत्रैकत्वसंख्याद्राजसंबंधीति बोध्य इति निष्कर्षः । सोऽपि संख्याविशेषो न गम्यते इति समर्थसूत्रभाष्याक्षरविरुद्ध इति ध्वनयन्नाह । **संख्यासामान्यभाव इति । यावेति ।** भेदसहचरितद्वित्वादेरेकत्वस्य चाभानमित्येव तदर्थं राजसंबंधी पुरुष इत्येव बोधः । राजत्वादिनैवैकानेकव्यक्तिभानंत्यौ तात्पर्यवशात् । न तु एकत्वद्वित्वादिना । तदुपस्थाभावात् इति । विस्तरस्तु **मंजूषायां** बोध्यः । **तादृशलक्ष्याभावादिति** । यद्यपि सर्वदा इत्यभिमंत्र्य गंधद्वारामिति मंत्रेण शिरःप्रभृतिपादांतमालिप्य स्नात्वा प्रा० मृत्तिकास्नानं करिष्ये इति संकल्प्य वलितेवेति भूमिं संप्रार्थ्य भारवोरिषत्खनितेति खनित्वा । स्योना पृथिवी० गृहीत्वा । आयने ते प० दूर्वामादाय गायत्र्या भूमौ मृदं निधाय त्रातारमिंद्रमिति मंत्रेण पूर्वस्यां यमाय सोममिति दक्षिणस्यां तत्वायामीति पश्चिमायाम् वयं सोमव्रते इत्युत्तरस्यां तत्सूर्यमिति ऊर्ध्वायां अधः पश्यस्वमोपरीति अधस्तेति हृदि नाभानाभिन्नेति नाभौ । त्वमिंद्रसजोषसमिति बाह्वोः सोमानं स्वरणामिति कक्षयोः यः कुक्षिः सोमपातम इति कुक्ष्योः बव्हीनां पितेति पृष्ठे ऊरुभ्यामिति ऊर्वोः मेहनाद्वलमिति जान्वोः एतावानस्येति पादयोः यस्य विश्वानीति हस्तयोः अंगादंगादित्यनेन पुरुषसूक्तेन च सर्वांगेष्वाभीलिंपेदशक्तौ अश्वक्रांते रथेति० । पदे पदे । मृत्तिकेह. कृतं । मृत्तिकेह. कृतं । मृत्तिके ब्रह्मदत्तासि०त्रिता. । मृत्तिके देहि मे पु. तं । मृत्तिके प्रतिष्ठिते० मृत्तिके । त्वया ह०गतिमित्येवमादिभिः सर्वांगेष्वभिलिप्य मृत्तिकास्थलं प्रक्षाल्य गायत्र्या गोमूत्रेण गंधद्वारेति गोमयेन आप्यायस्वेति क्षीरेण दधिक्राव्ण इति दध्ना । तेजोसि शुक्रमस्यमृतमसि धामनामासिप्रियं देवानामनाधृष्टं देवयजनमित्याज्येन । देवस्य त्वा सवितुः प्र. षिंचामीति कुशोदकेन स्नात्वा तीर्थं प्रार्थयेदेतैर्मंत्रैः । हिरण्यशृंगमित्युक्त्वा ततो यथोक्तप्रकारेण स्नात्वा गृहं गच्छेत् । स्त्रीशूद्रयोरमंत्रकं स्नानम् । तत आचम्य त्र्यधिकान्युग्मान् द्विजान्पूज पूर्वकं भोजयेदामान्नं वा दद्यात् । द्विजेषु विष्णोरेव पूजनम् । एतदेव निष्क्रश्राद्धं । तच्चेत्थं स्नानोत्तरं अंगीकृतप्रायश्चित्तांगत्वेन विष्णुश्राद्धं करिष्ये इति संकल्प्य शालग्रामशिलायां श्वेतचंदनादिभिः विष्णुं संपूज्य यथाशक्ति द्रव्यमादायामचतुष्टयनिष्क्रयीभूतं द्रव्यं यथानामगोत्रेभ्यो ब्राह्मणेभ्यो दातुमुत्सृज्ये तेन श्रीपापहा महाविष्णुः प्रीयतामिति । ततः एकां गां तन्निष्क्रयं वाद्य गोदानत्वेन कुटुंबिने द्विजाय दत्वा गवामंगे इति परत्र चेति मंत्रं पठेत् । ततोऽग्निं संस्थाप्य पापहामहाविष्णूद्देशेनाष्टाविंशत्यादिसंख्ययाऽऽज्यमग्निवायुं सूर्यप्रजापतिदैवत्यं जुहुयाच्छिष्टाचारानुरोधेन ब्रह्मकूर्चहोमोऽपि कुर्यात् । स यथाविलपितमाज्यं पलाशादिपर्णेन गृहीत्वा व्याहृतिचतुष्टयेन होमेदं एवं सप्तवारं कृते अष्टाविंशतिराहुतयो भवंति । ततो ब्रह्मकूर्चहोमार्थं सुवर्णताम्रपलाशपद्मान्यतमपात्रे पंचगव्यमादाय प्रणवेनालोड्य यज्ञियकाष्ठखंडेन प्रणवेनैव निर्मथ्य प्रणवेनाभिमंत्र्य सप्तपत्रैः कुशैः पलाशदलैर्वा जुहुयात् । तत्र मंत्रः (ऋ. सं. ५।६।२४)

"ॐ इरावती धेनुमती हि भूतं सूयवसिनी मनुषेदशस्या । व्यस्तभ्नारोदसी विष्णवे ते दाधर्थपृथिवीमभितो मयूखैः" स्वाहा । पृथिव्या इदं न मम । इदं विष्णुर्वि. विष्णव इदं न. । मान

स्तोके. रुद्रायेदं । शन्नो देवी. अद्भ्य इदं न. । अग्नये. अग्न. स्विष्ट. न. । ततो नक्षत्रदर्शने व्रतग्रहणं करिष्ये. इति द्विजान्पृष्ट्वा कुरुष्वेत्यनुज्ञातः प्रणवेन होमशेषमश्नीयात् । प्रायश्चित्ता. इति शक्त उपवसेदशक्तो हविष्यान्नमश्नीयात् । ततः प्रायश्चित्तं चरित्वा प्राग्वद्व्याहृतिहोमं विष्णुश्राद्धगोदानानि दद्यात् ।

"गोभूतिलहिरण्याज्यवासो धान्यं गुडानि च । रूप्यं लवणमित्याहुर्दश दानानि पंडिताः ॥" इति एषां परिमाणमुक्तं **शातातपीये कर्मविपाके**

"निवर्तनमिता भूमिर्द्रोणत्रयमितास्तिलाः । कर्षमात्रं हिरण्यं स्यादाज्यं सप्रस्थमाढकम् ॥
"वाससां त्रितयं दद्याद्गुडं च पलषष्टिकम् । निष्कत्रयमितं रूप्यं लवणं सार्द्धखारिका ॥
"सार्द्धखारीमितं धान्यं परिमाणं प्रकीर्तितमिति" । खारी दशद्रोणाः ।

अथ **दानमंत्राः** । गवामंगे. त्र चेति गोः ।

"सर्वभूताश्रया भूमिर्वराहेण समुद्धृता । अनंतसस्यफलदा अतः शांतिं प्रयच्छ मे ॥" इति । भूमेः ।
"महर्षेर्गोत्रसंभूताः कश्यपस्य तिलाः स्मृताः । तस्मादेषां प्रदानेन मम पापं व्यपोहत्विति ॥" तिलानां ।
"हिरण्यगर्भेति० प्रयच्छ मे०" इति हिरण्यस्य. ।

"कामधेनोः समुद्भूतं सर्वक्रतुषु संस्थितम् । देवानामाज्यमाहारमतः शां० ॥" आज्यस्य
"शरणं सर्वलोकानां लज्जाया लक्षणं परम् । सुवेषधारि वस्त्र त्वत्वमतः शां० ॥" वस्त्रस्य ।
"सर्वदेवमयं धान्यं सर्वोत्पत्तिकरं महत् । प्राणिनां जीवनोपायमतः शां० ॥" धान्यस्य ।
"यथा देवेषु विश्वात्मा प्रवरश्च जनार्दनः । सामवेदस्तु वेदानां महादेवस्तु योगिनाम् ॥
"प्रणवः सर्वमंत्राणां नारीणां पार्वती यथा । तथा रसानां प्रवरः सदैवेक्षुरसो मतः ॥
"मम तस्मात्परां लक्ष्मीं ददस्व गुड सर्वदेति" । गुडस्य
"प्रीतिर्यतः पितॄणां च विष्णुशंकरयोः सदा । शिवनेत्रोद्भवं रूप्यमतः शां० ॥ रूप्यस्य ।
"रसानामग्रजं श्रेष्ठं लवणं बलवर्धनम् । ब्रह्मणा निर्मितं साक्षादतः शां० ॥ लवणस्य ।

एवं समंत्रं सपरिमाणं दश दानानि दत्वा परिमाणासामर्थ्ये दक्षिणां च स्वशक्तित इति **शातातप**वचनात्स्वशक्त्या निष्क्रयेण वा दत्वा ब्राह्मणान्भोजयेत् । 'प्रायश्चित्ते ततश्चीर्णे कुर्याद्ब्राह्मणभोजनमिति" वचनात् । इह संख्याविशेषानुपादानाच्छक्त्यनुसारेण ब्राह्मणभोजनं वेदितव्यम् ।

"तस्माच्छक्तिं समासाद्य सदा धर्मपथे स्थितं । प्रायश्चित्तं प्रदातव्यं जपहोमविवर्जितमिति ॥"

एवं स्त्रीणामपि होमपंचांगप्राशने न स्तः । "स्त्रीणां होमो न दातव्यं पंचगव्यं तथैव चेति"
मि. पृ. ३४४. वचनादिति संक्षेपः । उत्तरार्धार्थमाह । **यस्त्विति** । धर्मपदमुपलक्षणमित्याह । **धर्मार्थेति** । **संवत्सरेति** । चांद्रायणवृत्ती वृत्तीत्यर्थः । **एकं** चांद्रायणम् । एवमग्रेऽपि । तत्कृत्वा सर्वं पापं नाशयतीत्यतिपापोऽपि गतपापो भवतीत्यर्थः । **संवदिति** । अत्यंतसंयोगे द्वितीया ॥ ३२७ ॥

याज्ञवल्कीये ३२८ श्लोकः ।

फलांतरमाह । **किंचेति** । सुसत्प्राप्त्यव्याख्या । **सकेति** । एतत्सूचितमाह । **सुसेति** ।

अत्र कश्चित्कर्माणि । तत्रैवाह । कृच्छ्रेति । आरंभः फलं । जैमिनीयोऽयं । अनुक्तौ बीजमाह । चेदमिति ॥ ३२८ ॥

याज्ञवल्कीये ३२९ श्लोकः ।

अत्र हि । याज्ञवल्कीये हि । व्यावृत्ता इति । तेषां मिथो भिन्ना इत्यर्थः ॥ ३२९ ॥

याज्ञवल्कीये ३३०।३३१।३३२।३३३ श्लोकाः

मि. पृ. ३४५. अस्मात् उत्कृत्य ॥ ३३० ॥ ३३१ ॥ ३३२ ॥ ३३३ ॥

याज्ञवल्कीये ३३४ श्लोकः ।

अर्थं सार्थं । फलसमूहं । अत्र भवान्पूज्यः ॥ ३३४ ॥

याज्ञवल्कीये ३३५ श्लोकः ।

ग्रंथान्तरे मंगलं करोति । स्वयंभुवे इति । इत्थं यथार्थमिति । शिवम् ॥ ३३५ ॥

इति श्रीमन्मिताक्षराव्याख्याने महादेवभट्टात्मजोमांगजवैद्यनाथार्द्धांगभूत बालकृष्णजननिपायेगुंडेइत्युपाख्यश्रीलक्ष्मीदेवीविरचिते लक्ष्म्यभिधे प्रायश्चित्तप्रकरणं संपूर्णम् ॥*

*ख— संख्या ६८०० लि० मेवामिश्रेण सं० १९५० वे० १५ ॥ शोधितमिदं पुस्तकं तारादत्तपंतेनेति सन्तः प्रसीदन्तु स० १९७१ मा० व० १ ।

समाप्तम् ।

एतत्पुस्तकोद्धृतऋषीणां ऋषिवचनानां च सूची.

एतत्पुस्तकोद्धृतऋषीणां ऋषिवचनानां च सूची.

एतत्पुस्तकोद्धृतऋषीणां ऋषिवचनानां च सूची.

२ पुराणानि.

(३) ऋक्संहिता.

(४) व्याकरणसूत्राणि

(५) न्यायाः

THE

Collections of Hindu Law Texts.

(No. 6.)

BÂLAMBHAṬṬI

(*Sasnkrit Text.*)

BEING A COMMENTARY BY

Bâlambhaṭṭa Payaguṇde,

ON

(The Mitâksharâ of S'ri Vijñânes'wara on the Yâjñavalkya-Smṛiti).

BOOK II

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EDITED BY

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BOMBAY.

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PREFACE.

The Vyawahâra-Adhyâya of **Bâlambhatti** (text) is the sixth Volume published in this series. It is a free and exhaustive commentary on the *Mitákshara* of *Vijnánes'vara*, which in itself is a commentary on the *Yájnyavalkya-Smriti*, published in this series as Volume No. 1.

The author of this work was Bâlambhatta or Vaidyanâtha Bhaṭṭa Pâyagunde who flourished at Benares at the close of the 18th and the beginning of the 19th century. He was a scholar of great fame in his own days, and is reputed to have written several works in Sanskrit. There is reason to believe that he was personally known to Mr. Colebrooke the well-known oriental scholar of the last century.

The present volume is a free commentary on the Mitâksharâ, quotations from which have been put in the black type. The texts of Yajnavalkya and the Mitâksharâ have not been reprinted in this volume as the same has appeared once in Volume I of this series, and the references to these works in this volume are made according to the paging of that volume.

The present edition is based on the following material.

(1) A manuscript copy of the work in the Deccan college, Poona. denoted here in as क.

(2) A manuscript from Jaipur and kindly secured by Mr. H. N. Apte of the *Anandáshrama* and denoted herein as ग.

(3) A manuscript in the High Court at Bombay and kindly lent by the Hon'ble Justice Sir N. G. Chandavarkar, denoted as ख.

(4 Bibliotheca Indica series being a portion of the edition by Babu Govind Dass of Benares. (only upto the first 32 verses).

(5) The Printed Edition by Babu Govind Dass (received when the last portion was under preparation).

The undersigned is obliged to all these gentlemen for their kindness in allowing him the use of the works in their possession.

A detailed account of the author and his works and of the Yajnavalkya School generally will be found in the preface to Vols. I and II of this series and in the " Introduction to the study of Hindu Law Texts " by the undersigned.

BOMBAY,
14th January 1914.

J. R. Gharpure,
Editor.

धर्मशास्त्रग्रन्थमाला (ग्रन्थाङ्कः ६)

॥ श्रीः ॥

श्रीमद्योगीश्वरयाज्ञवल्क्यस्मृतेः

श्रीविज्ञानेश्वरप्रणीतमिताक्षराव्याख्यायाः

श्रीबालंभट्ट पायगुण्डे इत्येतैः प्रणीता व्याख्या

बालंभट्टी

(व्यवहाराध्यायः २)

सा च

जगन्नाथ रघुनाथ घारपुरे बी. ए. एल्. एल्. बी. हायकोर्ट वकील, मुंबई.

इत्यनेन संशोधिता प्रकाशिता च

प्रथमावृत्तिः

शकाब्दाः १८३५ खिस्ताब्दाः १९१४.

आदर्शपुस्तकोल्लेखपत्रिका.

अस्य ग्रन्थस्य संशोधनार्थं यैः परहितैकपरतया यानि पुस्तकानि प्रदत्तानि तेषां नामादीनि पुस्तकानां संज्ञाश्च प्रदर्श्यन्ते ।

क—डेक्कनकालेजसंग्रहात्प्राप्तम् ।

ख—मुंबापुरस्थहायकोर्टसंग्रहीतं न्या. मू. सर नारायण गणेश चंदावरकरैर्दत्तं च ।

फ—श्रीमत् हरी नारायण आपटे इत्येतैः जयपूरात्प्राप्तं अस्मत्सकाशं प्रेषितं च ।

ग—काशीपुरनिवासिबाबूगोविन्ददास इत्येतैः संशोधितं बिब्लिओथिका इंडिकान्तर्गतमुद्रितं च (३२ श्लोकपर्यन्तम्)

ङ—बाबूगोविन्ददास इत्येतैः संशोधितं चोखंबासंग्रहे मुद्रितं प्रकाशितं च ।

परमुपकृतं नो यैरिमानि पुस्तकानि प्रेषितानि ।

जगन्नाथ रघुनाथ घारपुरे.

एतत्पुस्तकान्तर्गतविषयाणां सूचीपत्रम् ।

अथ बालंभट्टी टीका.

(मिताक्षराव्याख्या)

॥ श्रीगणेशाय नमः ॥

पूर्वत्रान्ते दुष्टदण्डस्य शिष्टरक्षणस्य च विधानादन्वयव्यतिरेकाभ्यां पालनाधिकारिणाऽहरहर्व्यवहारदर्शनं कर्तव्यमित्युक्तम् । तस्य व्यवहारस्य स्वरूपप्रकारेतिकर्तव्यताऽऽकाङ्क्षायामयमध्याय इत्याह । **अभिषेकादीति** । यद्वा 'व्यवहारान् स्वयमि'त्यादिना साङ्गोपाङ्गो व्यवहारः कर्तव्यतया विहितः पूर्वत्रान्ते । तत्राङ्गाद्याकाङ्क्षायामाह । **अभीति** । हेतुहेतुमद्भावरूपसम्बन्धोऽनयोरध्याययोः सङ्गतिर्बोध्या । उक्तौ हेतुमाह । **व्यवेति** । चस्त्वर्थे[1] वाक्यालङ्कारे वा । **कीदृश** इति स्वरूपप्रश्नः । **कतिविध** इति प्रकारप्रश्नः । **कथं** चेतीतिकर्तव्यताप्रश्नः । **इतिकर्तव्यतेति** । इत्याकाङ्क्षायामवश्यं वक्तुमुचित इत्यादिः । स्वरूपप्रकारेतिकर्तव्यताकलाप इत्यर्थः । अङ्गादिकलाप इत्यर्थो वा ।

याज्ञवल्कीये १ श्लोकः

आद्यश्लोकेन त्रयाणामप्युत्तराणि ध्वनयन् स्वरूपप्रश्नस्याद्यस्य प्रकृत्योत्तरमभिहितमिति प्रतिपादयन् तत्स्वरूपमाह । **अन्वेति** । अनेन भावे घञ् तत्र सूचितः । धातूनामनेकार्थत्वात्तदर्थलाभः । अयं च रूढ्यर्थः । योगार्थस्तु नानासंदेहहरणम्, "वि नानार्थेऽव संदेहे हरणं हार उच्यते । नानासंदेहहरणाद्व्यवहार इति स्मृतः" इति **कातीयात्** । स्पष्टत्वाय तमुदाहरति । **यथेति** । द्वितीयोत्तरमाह । **तस्येति** । प्रातिपदिकोदितव्यवहारस्य प्रत्ययेन द्वितीया—बहुवचनेन भेदो दर्श्यत इत्यर्थः । पूर्वमनुवाक्येन प्रतिपादितमर्थं राजेत्येव वाच्ये स्वयमित्येव सिद्ध्याऽधिकनृपपदोक्तिस्वारस्येन[3] प्रतिपादयति । **नृप इति** । यौगिकोऽयं न रूढ इति भावः । अत एव युक्तस्येति सामान्यत एवादावुक्तम् । **इतिना** करणत्वं तत्र तस्योच्यते । **क्षत्रियेति** । अभिषिक्तस्य तस्यैवेत्यर्थः । **अपिनाऽस्यैव** समुच्चयः । 'व्यवहारान् स्वय'मित्यस्य विधित्वेन 'पश्येदिति' पुनर्विधिवैयर्थ्यं परिहरति । **पश्येदितीति** । **धर्मेति** । विद्वद्ब्राह्मणसाहित्यादिरूपधर्मविशेषेत्यर्थः । तथा च व्यवहारान्नृपः पश्येदिति यत्, तद्विद्वद्भिर्ब्राह्मणैः सह धर्मशास्त्रानुसारेण तादृशः स इति योजना बोध्या । एतेनास्य वैयर्थ्यं परिहृतं । अन्यथा तेनैव सिद्धेरस्य वैयर्थ्यं स्पष्टमेव । तमेव धर्मविशेषमाह ।

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१ ख—वस्त्वर्थे । २ एतत्खपुस्तके न लभ्यते । ३ ख—स्वारस्येन ।

विद्वद्भिरित्यादिना। स एव धर्म इतिकर्तव्यता। स[1] चाङ्गानुष्ठानप्रकारः। एवं चास्य श्लोकस्यैव प्रपञ्चः सकलोऽध्यायशेष इति भावः। ब्राह्मणैरित्यस्य फलमाह। **नेति**। धर्मविशेषविधार्थत्वेनास्य प्राप्तं व्यवहारदर्शने[2] नृपस्य ब्राह्मणानां च समप्राधान्यं निराचष्टे। **ब्राह्मणैः सहेतीति**। **तेषां** ब्राह्मणानाम्। ननु तावता कथं तत्वमत आह। **सहयुक्ते** इति। 'सहार्थेन योगेऽप्रधाने तृतीये' ति तदर्थः। यथा 'पुत्रेण सहागतः पिते'त्यादौ शाब्दक्रियाद्यनन्वयित्वरूपमप्राधान्यं पुत्रादेस्तथा प्रकृतेऽपीति तदर्थत्वेऽपि न तथेति भावः। एतत्फलमाह। **अतश्चेति**। **न ब्राह्मेति**। आद्ये तथा सत्वेऽपि द्वितीये राज्ञो दोषो य उक्तः स ब्राह्मणानां नेत्यर्थः। उक्तहेतोः। न तु सर्वथा दोषाभावोऽभिमतः। 'सभा वा न प्रवेष्टव्ये'त्यनेन विरोधापत्तेरिति बोध्यम्। तेषां तत्र कथनेनैव तल्लाभे शास्त्रान्तरस्यासम्भवेनैव निरासे तदुक्तिफलमाह। **नार्थेति**। अत एव मिथः समवायेऽस्य प्राबल्यं न तस्येति वक्ष्यति। न्यूनतां परिहरति। **देशादीति**। आदिना देवगृहादिपरिग्रहः। पारिभाषिकधर्मेण व्यवस्थानं **समय**स्तत्सिद्धदेशादिसम्बन्धि**धर्म**स्येत्यर्थः। विरुद्धस्य त्याज्यत्वस्योक्तत्वादाह। **धर्मेति**। **वक्ष्यतीति**। संविद्व्यतिक्रमणे **योगीश्वर** (श्लो० १८६) इति भावः। **क्रोधेति**[3] प्रतीकं। **सिद्धे** इति। तयोस्तत्र निषिद्धत्वात्सामान्येन सर्वत्रेति भावः। **आदरेति**। अत्र विशेषेण तत्त्यागार्थमित्यर्थः। **मनुरपि**

"व्यवहारान् दिदृक्षुस्तु ब्राह्मणः सह पार्थिवः।
मन्त्रज्ञैर्मन्त्रिभिः सार्धं विनीतः प्रविशेत्सभाम्॥
तत्रासीनः स्थितो वाऽपि पार्श्वमुद्यम्य दक्षिणम्।
विनीतवेषाभरणः पश्येत्कार्याणि कार्यिणाम्॥
प्रत्यहं देशदृष्टैश्च शास्त्रदृष्टैश्च हेतुभिः।
अष्टादशसु मार्गेषु निबद्धानि पृथक् पृथक्॥ (अ० ८ श्लो० १-३)
धर्माश्रयमधिष्ठाय[4] संवीतांगः समाहितः।
प्रणम्य लोकपालेभ्यः कार्यदर्शनमालभेत्॥ (अ० ८ श्लो० २३)

इति व्यवहारान् अर्थिप्रत्यर्थिनोर्विवादविषयोक्तीः। दिदृक्षुः निर्णिनीषुः[5]। पार्थिवः पृथिवीपतिः, क्षत्रियादन्योऽपि। मन्त्रज्ञैः देशकालाद्युचितकार्याकार्यनिरूपणाभिज्ञैः। एतच्च ब्राह्मणैरित्यस्य विशेषणम्। अमन्त्रज्ञा हि ब्राह्मणा देशकालाद्यननुरूपं धर्ममपि सहसा ब्रुवन्तो राज्ञः कञ्चिदनर्थमापादयेयुः। मन्त्रिभिः बुद्धिसचिवैः। विनीतः सहजाहार्याभयविनियुक्तः[6]। पाणिमुद्यम्य उत्तरीयादुद्धृत्य वस्त्रोपसंव्यानं कृत्वेति यावत्। पश्येत् निश्चिनुयात्। कार्याणि ऋणादानादीनि। देशदृष्टा हेतवः देशविशेषव्यवस्थितानि निर्णयसाधनानि। यथोदीच्यमध्यमानां, कन्यां याचमानाय भोजनं यदि दीयते तदा[7] तुभ्यं देयेत्यनुक्तेऽपि प्रतिश्रुता भवतीति। शास्त्रदृष्टाः साक्षिप्रभृतयः॥ १॥

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१ क ग—सा। २ ख—प्राप्तव्यवहारदर्शने। ३ ग—क्रोधेति प्रति क्रोधेति। प्रतीतयोस्तत्र। ४ धर्मासन। ५ ख—निर्निनीषु। ६ ख—सहजा भार्यो। ७ ख—न।

याज्ञवल्कीये २ श्लोकः

प्रागुक्तब्राह्मणेभ्यः सभ्याः पृथक् कार्या इत्याह । **किंचेति** । श्रुतेत्यस्य वेदशास्त्रसंपन्ना इति शाब्दोऽर्थस्तत्फलितमाह । **श्रुतेनेति** । अत्र द्वावपि भावप्रत्ययान्तौ क्रियापरौ । अन्यथा धर्मज्ञानस्यानुपयोगात् । धर्मशब्दो लक्षणया शास्त्रपर इत्याह । **धर्मशास्त्रेति** । 'ताच्छील्ये णिनि' रित्याह । **शीला** इति । एतानुद्दिश्य सभासत्त्वं विधीयते इत्याह । **एवंभूताः** । **सभेति** विधेयार्थमाह । **सभायामिति** । तदर्थमाह । **संसदीति** । सीदन्तीत्युक्तस्य व्याख्या । यथोपेति । धातूनामनेकार्थत्वादितिभावः । बलात्कारनिरासायाह । **दानेति** । एते सभासदोऽपि ब्राह्मणा एवेत्याह । **यद्यपीति** । तस्य त्रितयसाधारणत्वादिति भावः । **सत्विति** । " विनीतवेषो नृपतिः सभां गत्वा समाहितः । आसीनः प्राङ्मुखो भूत्वा पश्येत्कार्याणि कार्यिणाम् " । इति इतः पूर्वश्लोकः । स राजा **स्थिरै**र्भयतोऽचञ्चलैः । **प्राज्ञै**र्बुद्धिमद्भिः । **मौलैः** पितृपितामहादिपरंपरायातैः । **द्विजोत्तमै**र्ब्राह्मणैः । सप्तमीतत्पुरुषः । **धर्मशास्त्रं** मानवादि । तस्यायोऽर्थः सिद्धान्तस्तत्र निष्णातैः । **अर्थशास्त्र**मौशनसादि तत्र तथा । ननु बहुत्वस्य त्रित्वादिपरार्द्धपर्यन्तसंख्याव्यापकत्वेन तत्र ते कति कार्या इत्यत आह । **ते चेति** । सभासद इत्यर्थः । *कपिञ्जलाधिकरणन्यायेनेति भावः । **त्रय** इत्यस्य त्रय एवेत्यर्थः । एवेन पूर्वापरकोट्योर्निरासः । तत्राद्ये हेतुमाह । **बहुवचनेति** । द्वितीये हेतुमाह । **यस्मिन्निति** । इतोऽपि तत्र ब्राह्मणा एवेत्यपि बोध्यम् । एवमग्रेऽपि बोध्यम् । मतान्तरमाह । **बृहस्पतिस्त्विति** । उत्तमादिभेदेनाह । **सप्तेति** । **वेद**शब्दः शास्त्रस्याप्युपलक्षणम् । **लोक**शब्दो देशकालादिपरः । यद्वा स तदन्यसर्वपरः । **धर्म**शब्दः शास्त्रपरः । प्राधान्यात्तस्य पुनरुक्तिः । **यत्र** सभायां । **यज्ञेति** यज्ञसभासदृशीत्यर्थः । यदि तु एतदनुरोधेन **मानवे** त्रयइत्युपलक्षणं मध्यमपक्षपरं वा तदा एकवाक्यतैव न पक्षान्तरम् । अत्र पक्षे तेच त्रय इत्यपि तथेति न भेद इति बोध्यम् । परन्तु तेच त्रय इति बृहस्पतिस्त्विति च वदतो **विज्ञानेश्वरस्य** न सम्मतमिदमिति बोध्यम् ।

ननु व्यवहारान्नृप इत्यत्रोपात्तविद्वद्ब्राह्मणोद्देशेन श्रुताध्ययनसम्पन्नत्वादिरूपो धर्मोऽनेन विधीयताम् । तथा च विद्वद्ब्राह्मणविशेषणत्वाच्छ्रुताध्ययनसंपन्नादेर्न प्रागुक्तेभ्य एते सभासदो भिन्ना इति किं चेत्यवतरणासङ्गतिरित्याशयेनाऽऽशङ्कते । **न चेति** । समानविभक्तिकनामार्थयोरभेदान्वय इति व्युत्पत्तेराह । **तृतीयेति** +वचनक्रमेणेत्थमुक्तम् । अभेदस्य संसर्गत्वाभा-

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१ ख—शब्दोऽर्थ । २ ख—पुनित । ३ ख—बहुनामनेकार्थत्वादत्र । ४ ख—एतेन । ५ ख—एतदन्य । ६ ख—ग—मधम । ७ ख—विशेषणत्वात् ।

* "कपिञ्जलानालभेत" इति श्रुतौ कपिञ्जलाः कति ग्राह्या इति शङ्कायाम् पूर्वोपस्थितत्वात् त्रित्वसङ्ख्याविशिष्टा इति तदधिकरणे स्थितम् । तद्वदत्रापि त्रयः सभासदः कार्या इति भावः ।

कपिञ्जलाधिकरणन्यायस्त्वत्र न युक्तः । तत्र तु **त्र्यधिक**व्यावृत्तिरेवेष्यते । अत्र तावत्त्रि**न्यून**व्यावृत्तिर्दर्शिता ।

\+ विभक्तिक्रमे प्रथमायाः पूर्वत्वेऽपि व्यवहारान् नृपः पश्येदिति वचनस्य श्रुताध्ययनसंपन्ना इति वच

वादाह । **विशेषणेति** । नन्व[1]ध्याहारेण तत्सम्भवोऽत आह । **विद्वद्भिरिति** । ननु विद्वद्भिरित्यस्यैव विवरणपर[2]मिदमिति न पुनरुक्तिप्रसङ्गोऽत आह । **चेति** । तेन[3] यच्छब्दोक्तिवैयर्थ्यापत्तिसमुच्चयः । स हि विधेयत्वप्रतिबंधकस्तथा च तद्बलादत्रैव मिथ उद्देश्यविधेयभावः स्वरसतः प्रतीयते । तत्र च प्राप्ताप्राप्तविवेकन्यायेन लोकादिसिद्धश्रुताध्ययनसम्पन्नादिकमुद्दिश्य सभासत्त्वं विधीयते इति भावः । यच्छ[4]ब्दस्य पूर्वपरामर्शकत्वेऽपि **कात्यायन**विरोधरूपदोषान्तरमपि सूचयन्नाह । **तथाचेति** । तथा च तदुद्देशेन तद्विधिर्न घटते इति ते एव[5] सभासद इति वक्तुं न शक्यते[6] इति भावः । **स इति** प्रागुक्ताग्रिमोऽयम् । प्राड्विवाकेन सहितः **प्राड्विवाको** राजप्रतिनिधिः। प्राड्विवाकाक्षदर्शकाविन्त्य**मरः** (२-८-५) । **अमात्याः** । बुद्धिसचिवास्तत्सहितः । ब्राह्मणाश्च पुरोहितश्च तैः सहितः । **सभ्यैः** सहितः । अनेन सर्वेषामङ्गत्वमुक्तम् । **धर्मत**स्तच्छास्त्रतः । प्रेक्षक इत्यर्थः । तत्र सभ्यब्राह्मणयोर्मध्ये । **अनीति** राजेति शेषः । एवमग्रेऽपि । तथा मूलानुक्तेः । **सभेति** तथा मूलोक्तेः । तथा भेदोक्तेः फलभेदमाह । **तत्रेति** प्राग्वद् । **तं** राजानम् । **तद्भागिन इति** राजसम्बन्धिदोषभागिन इत्यर्थः । एवं च प्रागुक्तदोषशब्दो विशेषपरो बोध्यः । पुनस्त्वर्थे । न्यूनतामज्ञाननिरासाय सर्वथाऽनावश्यकमूलस्य[7]च शब्देन परिहरति । **रिपाविति** 'वित्तान्तपञ्चानां द्वन्द्वान्मतुप्' । तत्र कुलवत्त्वं[8] कुलीनत्वम् । कुलभूतैरित्यस्य परम्परायातैरित्यर्थः ॥ २ ॥

याज्ञवल्कीये ३ श्लोकः

ननु राज्ञः प्रतिदिनं व्यवहारदर्शनवत् कार्यान्तराण्यपि कर्तव्यत्वेन विहितानि तत्र दैवात्समवाये किं कार्यमित्याशङ्कायामाह । **व्यवहारेति**[9] । अत एव तु[10] । तेन तदत्यागसूचनद्वारा तस्याप्यावश्यकत्वं सूचितम् । **कार्यवशादित्यस्य** व्याख्या **कार्यान्तरेति** । शान्तिकाद्यावश्यकोक्तभिन्नकार्येत्यर्थः । **सह** सहितः । अनेन प्रागुक्तेभ्यः सर्वेभ्यो[11] भिन्नोऽयमिति सूचितम् । सर्वपदस्यारस्यादाह । **सामेति** । देशादिसमयधर्मानित्यर्थः । विन्ते विचारयतीति सर्वपाठः । वेत्तीति पाठे वेत्तीत्यस्य तत्पूर्वकं जानातीत्यर्थः । प्रकरणात्तल्लाभे तदुक्तिफलमाह । **न क्षत्रीति** । यतोऽयं सर्वतो भिन्नोऽत एव विशेषमाह । **तं चेति** ब्राह्मणं चेत्यर्थः । **यथाहेति** । **कात्यायन** इति अर्थः[12] । **मध्येति** । पक्षपातरहितमित्यर्थः । **परत्र** परलोकविषये । **उद्युक्तम्** अनलसम् । मुख्यपक्षोक्तिपरतया मूलस्य न न्यूनतेति सूचयन् स्मृत्यन्तरानुरोधे[13]नानुकल्पमाह । **एवं भूतेति** । **ब्राह्मण** इति । उक्तगुणविशिष्ट इत्यर्थः । अन्यथा स्वोक्तिवैयर्थ्यमेव स्यादिति बोध्यम् । **यत्नेनेति** । तस्य धर्मशास्त्रादावनधिकारादिति भावः ।

नापेक्षया पूर्वत्वात् तत्र च तृतीयाया निर्देशात् वचनपर्यालोचनायां तृतीयायाः प्रथमोपस्थितत्वात् पूर्वमुक्तिः । तथा च तृतीयाप्रथमान्तनिर्दिष्टानामिति मूलवाक्ये न काचिदनुपपत्तिरिति भावः ॥

१ ख—अन्वध्याहारेण । २ ख—परमिति । ३ ख—न यच्छब्दोक्ति । ४ क—पाठः । ५ ख—तत्र च । ६ ख—शक्य । ७ क ग—मूलस्य । ८ ख—कुलवत्वं । ९ ख—व्यवेति । १० ख—तु । ११ ख—सर्वेभ्यो । १२ ख ग—भावः । १३ ख—स्मृत्यनुन्तरानुकल्पमाह ।

मतान्तरमाह । **नारदेनेति** । **अयमेवेति** । **योगीश्वरोक्त**ब्राह्मणरूपानुकल्प[1]त्वेनोक्त इत्यर्थः । राज्ञो बहुकार्यव्याकुलत्वेनावकाशाभावादिति भावः । **पुरस्कृत्येति** । अत्र प्रस्तुतत्वाद्राजनियुक्तोक्तपुरुष एव तत्र कर्त्ता बोध्यः । अत एव, "*सत्प्रतिष्ठः स्मृतो धर्मो धर्ममूलो नराधिपः । सह सद्भिरतो राजा व्यवहारान्विशोधयेत्" ॥ इत्यग्रे (नारदस्मृ० अ० ३ श्लो० ६) तेनैवोक्तम् । व्यवहारानन्विति युक्तः पाठः । एतदेव स्पष्टयति । **प्राड्विवाकेति** । **मते** बुद्धौ धर्मशास्त्रानुसारेणेति भावः । **स्थितः** राजा । तस्य सत्वेनैव तल्लाभे पुनस्तदुक्तिफलमाह । **न स्वेति** । नन्वेवं प्राड्विवाकेन कृतस्य श्रवणेऽपि तस्य तद्दर्शनाभावेन कथं स पश्येदित्यत आह । **राजेति** । तथा च स्वप्रतिरूपकप्रागुक्तपुरुषद्वारेण तद्दर्शनस्यौचित्येनायमेव पक्षो ज्यायानिति बोध्यम् ।

धर्मशास्त्रानुसारेण कृतस्य तस्य यौगिकीयं संज्ञा नाश्वकर्णादिवद्रूढिरित्याह । **तस्येति** प्राड्विवाकस्येत्यर्थः । **संज्ञेति** अन्वर्थं नामेत्यर्थः । **प्राड्विति** । क्विब्[2]वचीत्यादिना निष्पन्नोऽयं क्विबन्तः । **तयो**रर्थिप्रत्यर्थिनोः । **विविनक्ति** । **विवेचयति** विचारयति । अत्र पक्षे औणादिकत्वं कल्प्यम[3]त आह । **विवक्तीति**[4] । विविच्य विचार्य कथयतीत्यर्थः । एतेन विशेषेण कथयतीति[5] व्याख्यानमपास्तम् । हलश्चेतिघञ् । स चार्षत्वात्कर्त्तरि । यद्वा भावघञन्तादर्श[6]आद्यच् । मूलं तु फलितार्थपरतया नेयं । यद्वा करणे बाहुलकाल्ल्यु[7]डभावे घञ् । अत एव येनेत्यग्रे उक्तम् । मूलं तु प्राग्वदेव । **कातीयमेवाह** । **उक्तञ्चेति** । एतत् । उक्तं[8] वचनम् ॥ ३ ॥

याज्ञवल्कीये ४ श्लोकः

अन्यदपि राज्ञा कर्तव्य[9]मित्याह । **अपिचेति** । अपिना द्वेषसमुच्चयः । तथा च अज्ञानभ्रान्त्यादिरूपोपाधिभिर्धर्मशास्त्रविरुद्धमाचरतां तेषां न दण्डोऽयमिति भावः । **सभ्या इति** । नियुक्ता इत्यर्थः । तेषामेव तत्त्वस्य प्रागुक्तत्वात् । अत एवानियुक्तानां तदपेक्षया न्यूनदण्डपरिकल्पना । युक्तं चैतत् । नियुक्तानामभियुक्तत्वेन धर्मशास्त्रविरुद्धाचरणादधिकापराधस्तद्भिन्नानां तु तदभावादल्पापराधः । आद्येषु[10] राजाज्ञाभङ्गं[11] स्मृत्युल्लंघनं च । अन्येषु स्मृत्युल्लंघनमेवेति यावत् । तदेतदभिप्रेत्याह । **पूर्वोक्ताः सभ्या इति** । रागादौ हेतुं[12] पूरयन्ति । **रजस इति** । यत्किंचिद्रागादेः साधारणत्वादाह । **स्नेहातीत्यादिः** । वाशब्दस्य प्रत्येकं विकल्पबोधकत्वादाह । **लोभाद्वेति** । सत्रासाद्वेति[13]च । विवादपद[14]स्य यथाश्रुतार्थत्वे तद्वैगुण्यस्य दमेऽसम्भवात् लक्ष्यार्थमाह[15] । **विवादेति** । ननु अन्यथाऽपि लक्ष्यार्थस्य सम्भवादेवमेव व्या-

१ ख—कल्प एव । २ ख—क्वचिदवची । ३ ख—कल्प्य । ४ विवक्ति, वेति । ५ ख—कथयती । ६ ख—याघञ् । ७ ख—ल्युटभावे । ८ ख तत्तदुक्तवचनम् । ९ ग—कार्यं । १० ख—आद्ये । ११ ख—भंगस्मृत्युल्लंघनमेवेति यावत् । १२ ख—हन्तुः । (?) १३ ख ग साद्वेति । १४ ख—विवद । १५ ख—लक्षणार्थं ।

* नारदस्मृतौ "तत्प्रतिष्ठ" इति पाठः ।

ख्याने किं बीजमत आह । **न पुनरिति** । **तथा हि सतीति**[1] पाठः । हिर्हेतौ । **स्त्रीसङ्ग्रहणादिति** पाठः । स्मृत्यपेतेत्यत एवार्थाल्लाभे रागाद्युक्तिफलमाह । **रागेति** । इदमुपलक्षणं द्वेषस्यापि । **इष्टे** नियच्छति । कर्मणः शेषत्वविवक्षायां[2] षष्ठी । **वर्ज**[3]मिति णमुलन्तम् । तथा चो[4]नियुक्तानां तेषामल्पदण्डोऽपि कथमिति भावः । **तस्य गौतमवाक्यस्य** विधित्वाभावात् तस्य वधातिरिक्तदण्डप्रतिपादकवाक्यानामानर्थक्यापत्तेश्चेति भावः । **तथा सति** तद्विरोधान्तरं परिहरति । **यत्त्विति** यदपीत्यर्थः । दोषैः प्राप्तः षड्भिः[5] प्रकारैस्त्याज्य इत्यर्थः । ब्राह्मण इति प्रकरणप्राप्तम् । तत्प्रकारै[6]स्त्यागमेवाह । **अवध्य इत्यादि** । चो वाक्यालङ्कारे । **अदण्ड्य** इत्यनेन धनदण्डाभावः । **अपरिवाद्य** इत्यनेन धिग्वाग्दण्डयोरभावः । **अपरिहार्य** इत्यनेन सर्वस्वहरणाभावः । अन्यत्स्पष्टम् । षड्भिरित्यस्य पूर्वतन **गौतम**माह । **स एष** इति । बहुभ्यो बहुशश्च श्रुतं येन सः । तत्साधनमाह । **लोकेति** । **लोकः** सदाचारः त्रयः सप्त वा लोका वा । **वेदः** त्रयी । शिक्षादीनि **षड्वेदाङ्गानि** । **वाकोवाक्यम्**[7] । उक्तिप्रत्युक्तिमद्वाक्यम् । **इतिहासो** भारतादिः । **पुराणं** पंचलक्षणं वायवीयादि । तत्र **कुशलो** निपुणस्तदर्थाभिज्ञः । **तदपेक्षः** तन्मननशीलः । **तद्वृत्तिः** । तदुक्तानुष्ठाता ।

अष्टाचत्वेति । ते च **गौतमेनोक्ताः** । गर्भाधानपुंसवनसीमन्तोन्नयनजातकर्मनामकरणान्नप्राशनचूडो[8]पनयनम् । अत्र समाहारद्वंद्वः । चत्वारि वेदव्रतानि प्रतिशाखं गृह्येषूक्तानि । स्नानं समावर्तनाख्यं । विवाहाख्यः सहधर्मचारिणीसंयोगः । पञ्चानां यज्ञानामनुष्ठानम् देवपितृमनुष्यभूतब्रह्मणा[9]मिति । एते पञ्च पृथक् संस्कारा न तु समुदायः । एतेषां च वक्ष्यमाणानामनुष्ठानम् । तानेवाह । **अष्टकेत्यादि** । आपस्तंबानामेकाष्टकायां क्रियमाणं । छंदोगाश्वलायनयोस्तिसृषु चतुर्षु च क्रियमाणानि च **अष्टका** यासु श्राद्धं पर्वणि भवः पार्वणः स्थालीपाकः[10] । श्राद्धम् अमावास्यादि । श्रावणी तत्र कर्त्तव्यं श्रवणाकर्मप्रयोगः सर्पबलिश्च । आग्रहायणी तत्र कर्त्तव्यं हैमंतप्रत्यवरोहणम् । चैत्री तत्र कर्तव्यः ऐन्द्राग्न इत्याद्युक्तस्तुन्दिलः शूलगवश्च । आश्वयुजी तत्र कर्तव्यमाश्वयुजीकर्म पृषातकचरुरूपं पशुपतये स्थालीपाकरूपम्, अनाहिताग्नेराग्रयणं चेति द्वयमाश्वयुजीशब्दग्राह्यमिति **हरदत्तः** । इति **सप्त पाकयज्ञसंस्थाः** । पाकयज्ञा अल्पयज्ञाः प्रशस्तयज्ञा वा[11] । "तं पाकेन मनसा, यो मा पाकेन मनसे" त्यादौ पाकशब्दप्रयोगस्य प्रशंसायां दर्शनादिति **वृत्तिकृन्नारायणहरदत्तादयः** । आख्या चेयं गार्ह्याणां[12] कर्मणामिति **हरदत्तः** । **तथा चापस्तंबः** । लौकिकानां पाकयज्ञशब्दा इति । **संस्था** विधा । पाकयज्ञविधाः सप्तेत्यर्थ इति **हरदत्तः** । पाकेन समाप्तिं गच्छति पाकसंप्रधाना वाऽतः पाकयज्ञसंस्था—एवमग्रेऽपि इत्यन्यः । **तत्त्वापस्तंब-**

१ ख—मूल । २ क—विवक्षया । ३ क—वर्ज, ख, वज्र । ४ ख—च नियुक्तानां । ५ ग—त्रयीशिक्षादीनि षड्वेदांगानिपि (?) राज्ञा न शिक्षणीयः किं तु सर्वथा त्याज्य इत्यर्थः । ६ ग—तानेवाह । ७ ख—वाक्यं—उक्तिमहावाक्यम् । ८ ख—चौडो । ९ ख—ब्राह्मणानाम् । १० ख—मित्यर्थः । ११ ग—श्च । १२ ख—ग्राह्याणां ।

गृह्यप्रश्नव्याख्यायां प्रतिपादितं । अग्न्याधेयमग्निहोत्रं दर्शपूर्णमासावाग्रयणं चातुर्मास्यानि निरूढपशुबन्धः सौत्रामणीति सप्त **हविर्यज्ञसंस्थाः** । एतेऽग्न्याधेयादयः श्रुतिप्रसिद्धाः । दर्शपूर्णमासाविति समुदाय एकः संस्कारः सप्तग्रहणात् । सोमसम्बन्धाभावादेते **हविर्यज्ञाः** । अग्निष्टोमोऽत्यग्निष्टोम उक्थ्यः षोडशी वाजपेयोऽतिरात्रोऽप्तोर्याम इति सप्त **सोमसंस्थाः** । अग्निष्टोमे यत्र राजन्यस्य षोडशिग्रहो गृह्यते सोऽत्यग्निष्टोमः । ब्राह्मणस्य कथमयं संस्कार इति चिन्त्यमिति **हरदत्तः** । गच्छति[1] गच्छतीति द्विरुक्तिरष्टमाध्यायसप्तम्यर्थे बोध्यम् । एतेचाधानादयो गृहस्थस्य नित्या इत्याद्यन्यत्र स्पष्टमिति । एते **चत्वारिंशत्संस्काराः** ।

संस्कारो द्विविधो ब्राह्मो दैवश्च । तत्र गर्भाधानादिस्नानान्तो ब्राह्मः । अग्रिमो दैवः । अष्टौ चात्मगुणा इति चात्मसंस्कारा इत्यस्यानुषङ्गः । आत्माऽत्र चित्तं तच्छुद्धावेवैते भवन्ति नान्यथेति भेदेनोक्तिः । तथा चोपनयनाद्यधिकारसम्पत्तिरिति भावः । पाकयज्ञादीनां संस्कारत्वं च **शङ्खलिखिताभ्यामुक्तम्**[3] ।

> पाकयज्ञा हविर्यज्ञाः सोमसंस्थास्तथैवच ।
> संस्कारास्त्वग्निहोत्रान्ता अग्निहोत्रं तु जुह्वतः ॥
> संस्कारैः संस्कृतं पूर्वैरुत्तरैरनुसंस्कृतः ।
> नित्यमष्टगुणैर्युक्तो ब्राह्मणो ब्रह्मलौकिकः ।
> ब्राह्मम्पदमवाप्नोति तस्मान्न च्यवते पुनः । इति

ब्रह्मलौकिको ब्रह्मलोकार्हः । **अष्टगुणाश्च** सर्वभूतदया क्षान्तिरनसूया शौचमनायासो मङ्गल्यमकार्पण्यमस्पृहेति । **शौचं** बाह्यमाभ्यंतरश्च । **अनायासः** क्लेशकरकर्मानारम्भः । दूर्वागोरोचनाहिचन्दनं **मङ्गल्यम्** । **अकार्पण्यं** संविभागशीलत्वम् । **अस्पृहा** परद्रव्यानिच्छा । **एवमष्टाचत्वारिंशत्संस्कारास्तैः** संस्कृत इत्यर्थः । **त्रिषु** अध्ययनेज्यादानेषु अदृष्टार्थेषु[4] अभिरतस्तदर्थानुष्ठानपरः । एवमग्रेऽपि । **षट्सु** अध्यापनयाजनप्रतिग्रहरूप[5]दृष्टार्थसहितेषु वेति पूर्वान्वयि । **सामयिकेति** । पौरुषेयी व्यवस्था **समयः** । स च त्रिविधः, विधिर्नियमः प्रतिषेधश्च । तत्तन्मूला आचाराः समयाचारास्तेषु भवा धर्माः सामयाचारिकास्तेषु कुशल इत्यर्थः । यद्वा शास्त्रविद्वत्कृता मर्यादा वर्णाश्रमिणां पाषण्डाना च समयः । शिष्टानुष्ठित आचार इत्यर्थः ॥ ४ ॥

याज्ञवल्कीये ५ श्लोकः

व्यवहारविषयमिति । 'प्रत्यर्थ्यादिप्रतिकूलतया नृपादिषु कथनं व्यवहार' इत्युक्तमतः कथ्यमानं तद्विषयस्तमित्यर्थः । **व्यपेतेन** रहितेन । **राज्ञे इति** । इदं तदधिकृतादेरप्युपलक्षणम् । **स्मृत्येत्यस्यार्थमाह** । **धर्मेति** । तदोऽन्वयायाह । **यदिति** । उपलक्षणत्वादेवाह । **प्राडिति** । **चेदर्थो यदीति** । पद्ये हिर्निश्चये । व्यवहारपदमित्यस्यार्थमाह । **प्रतिज्ञोत्तरेति** ।

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१ ख—पाठः । २ ख—अग्निष्टोमो । ३ ग—मप्युक्तम् । ४ ग—अदृदं पूर्वतनं न सांप्रतमित्यन्यत्र स्पष्टं । ५ ख—प्रतिग्रहि सहितेषु तेषु ।

एतत्षडात्मक इत्यर्थः । **तस्य** विषयस्य । अत एव तस्य विषयस्य द्वैविध्यमाह । **स चेति** । **शङ्केति** । शङ्कारूपोऽभियोगो यस्मिन् विषये तत्त्वरूपोऽभियोगो यस्मिन् विषये इत्यर्थः । ह्यभियोग इति सुजर्थान्तर्भावेण बहुव्रीहिः । **विषयो**ऽन्यपदार्थः[1] । तदेव विशिष्याह । **शङ्केति** । **असतान्त्विति** । असतां चौरादीनां संसर्गाच्चौरत्वादिसम्भावना भवतीत्यर्थः । **होढालोप्त्रमिति** । लुप्यते इति लोप्त्रम् उणादिः । चौर्यधनम् । "चौरिकास्तैन्यचौर्ये च स्तेयं लोप्त्रं तु तद्धनम्" (२-१०-२५) **इत्यमरः** । **लिङ्गमिति** । अव्यभिचरितं चिन्हमित्यर्थः । इदमुपलक्षणमित्याह । **साक्षाद्वा दर्शनमिति** । **अपहरतीति चेति** । वा पाठेऽपि समुच्चये । विषयस्य भेदान्तरमाह । **पुनश्चेति** । **द्यूतमाह्वय** इति । द्यूतस्यैवोपाधिभेदेन भेद आव्हयाख्यः । इदमपि न परिगणनमिति सूचयन् पुनर्भेदमाह । **एतान्यपीति** । **साध्येति** । अवान्तरसाध्यभेदेनेत्यर्थः । **एषाम्** ऋणादानादीनाम् । तस्य पुनर्भेदान्तरमाह । **क्रियेति** । क्रिया साध्यम् । शतशब्दोऽन्तवचनः[2] । चेदित्यतः सूचितमाह । **चेदिति**[3] । अन्यथा तत्प्रेरणोल्लङ्घने दण्डापत्त्या चेदित्यस्यैच्छिकावेदनबोधकस्यासङ्गतिः स्पष्टैव । **अस्य** राज्ञः । **न च प्रापितमिति** । **कथञ्चन** । अन्यायेनान्येन प्रापितमर्थं न गृह्णीयादित्यर्थः । यद्वा अन्येन प्रापितं निवेदितं अर्थम् कार्यं कथञ्चन अविचार्य न ग्रसेत नोपेक्षेतेत्यर्थः । **न चाप्रापितमिति** पाठे तु, अन्येन विवदमानेन तत्सम्बन्धिना वा अप्रापितमनिवेदितं कथञ्चिदवगम्य रागादिना न ग्रसेत न ग्राहयेदित्यर्थः । मूले परैरित्यत्र "स्वरितात्संहितायामनुदात्तानाम्" इति सूत्र**भाष्योक्त**रीत्या परश्च परौच परेचेत्येकशेष इत्याशयेनाह । **परैरितीति** । परेणेत्याद्यर्थकं परैरिति बहुवचनान्तं पदमिति दर्शयतीत्यर्थः । बहुवचनाविवक्षया योजनं तु परेणेत्यादिग्रन्थस्वरसविरुद्धम् । एकस्येत्यस्य सर्वत्रान्वयः ।

एवं सति प्राप्तविरोधं परिहरति । **यत् पुनरिति** । यत्त्वित्यर्थः । **न्यायेति** । **धर्मेति** । पाठान्तरम् । **तद्भिन्नेति** । पृथग्व्यवहारविषयमित्यर्थः । यदेकेनैकोऽभियुक्तो मह्यमसौ धारयतीति तर्दा[4] तस्मिन्व्यवहारेऽनिष्पन्नेऽन्येनान्येन चान्यथा नाभियोक्तव्यः । निष्पन्ने तु क्रमेण तथेत्येवमेकस्य बहुभिर्विवादाभावो नत्वेते मह्यं धारयन्ति शतमित्येवमेकस्य बहुभिर्विवादाभावे[5] इति भावः । इदञ्च मत्तोन्मत्तेति व्याख्यानावसरे सबीजं सकलैतत्[6]पद्यव्याख्यानं स्फुटीभविष्यति । न्यूनतां परिहरति । **आवेदेति** । तृतीयान्तस्यार्थ[7]सिद्धमित्यत्रान्वयः । द्वितीयमाह । **आवेदितं चेति** । तृतीयमाह । **अकल्पेति** । आधिव्याधिसहितादीनामित्यर्थः । **अर्थसिद्धमिति** । अन्यथाऽविनीतस्यावेदनमेव न घटेत उद्धतत्वेन राजसमीपे गन्तुमशक्यत्वात् । आवेदनान्तरं च तस्य युक्तत्वेऽपि[8] यदि प्रत्यर्थिनो नाव्हानं तर्ह्यावेदनमेव निष्फल**मिति**[9] न कोऽप्यावेदयेत् । तथा च प्रजापरिपालन[10]स्यैवासिद्धिरिति तेषामर्थसिद्धत्वमित्यर्थः ।

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१ ख—पदार्थः । २ ग—नन्तरवचनः । ३ ख—चेत्येतदपि सूचितमाह । आवेदेति । ४ ख—तदेतस्मिन् । ५ ख—विवाद इति भावः । ६ ख—ससकलैतत् । ७ ख—तृतीयान्तमित्यस्यार्थे । सिद्धं । ८ ग—उक्तत्वेऽपि । ९ ग—निष्फलमिवेति । १० ख—प्रतिपालन ।

इदं प्रमाणयति । [1]**स्मृत्यन्तरेष्विति** । **नारदीये** त्वित्यर्थः । **किं कार्यं का चेति** । अर्थकृतो मन्युकृतश्च[2] प्रश्नभेदः । केन कर्ता कस्मिन्देशे कदा काले कस्मात्कारणात् । तयोर्भेदस्योक्तत्वादाह । **ससभ्यैर्ब्राह्मणैरिति** । मुद्राग्रहणं लेख्यस्याप्युपलक्षणम् ।

एवं प्रत्यर्थिन आह्वाने निषेधमाह । **अकल्पेत्यादि** । अकल्पः व्याध्याद्यैः[3]भिभूतः । **विषमस्थ** उत्पन्नसङ्कटः । **क्रियाऽकुलः** । नित्यनैमित्तिकादिक्रियाव्यग्रः । **कार्यातिपातीति** । [4]यस्यागच्छतो गुरुतरकार्यहानिः सः । **व्यसनी** । इष्टवियोगादिदुःखवान् । द्वन्द्वान्ताकुलशब्दस्य प्रत्येकं सम्बन्धात् । नृपकार्यासक्तः उत्सत्रासक्तः । **मत्तो** मादकद्रव्येण । **उन्मत्तः** उन्मादेन पञ्चविधेन वातपित्तश्लेष्मसन्निपातग्रहसम्भवेनोपसृष्टः । **प्रमत्तः** । सर्वदाऽवधा[5]नहीनः । **आर्त्तो** विपदादिना पीडितः । स्त्रीणां तन्निषेधमाह । **नहीनेति** । अनाथां[6] सर्वजनशोच्यामिति यावत् । **सर्वेति** । ब्राह्मणीम् । तत्र हेतुमाह । **ता इति** । **ताः** । हीनपक्षादयः[7] ज्ञातिस्वामिका इत्यर्थः । एवं स्त्रीणामाह्वाने निषिद्धे प्रतिप्रसवमाह । **तदधीनेति** । तस्या अधीनं तादृशं यत्कुटुम्बं तद्यासामस्तीति[8] इनिः । एकदेशीतिवत्प्रयोगः । **स्वैरिण्यो** व्यभिचाररताः । **गणिका** वेश्याः । **निष्कुला** हीनकुलाः । एतत्प्रसङ्गादकल्पाद्याह्वाने पूर्वनिषिद्धेऽपि प्रतिप्रसवमाह । **कालमिति** । तत्र प्रकारद्वयं **शनैर्यानैरिति** । एतत्प्रसङ्गादाह । **ज्ञात्वेति** । क्षुद्रकार्येषु तथा नेत्याह । **गुर्विति** । वेषमाहात्म्यात्तत्रापि विशेषमाह । **अकोपेति** । **इत्यादीत्यादि**पदग्राह्यमेवाह । **आसेधेति** । निरोधेत्यर्थः । **आसेधयेदिति** । **विवादार्थी** वादी आह्वानदर्शनपर्यन्तं तादृशं प्रत्यर्थिनं निरोधयेदित्यर्थः[9] । तच्चातुर्विध्यमाह । **स्थानेति** । कृतः आसेधः । तद्विषयत्वात्तत्कृतत्वम् । एवमग्रेऽपि । अग्रे उभयत्र कृत इति शेषः । **आसेध** इति प्रकृतं[10] । अस्मात्प्रदेशान्न गन्तव्यमिति **स्थानासेधः** । आसन्ध्यं न गन्तव्यमिति **कालासेधः** । देशान्तरं प्रति न गन्तव्यमिति **प्रवासासेधः** । असौ व्यापारो न कर्तव्य इति **कर्मासेधः** । **आसिद्धः** निरुद्धः । **तम्** आसेधम् । **विनेयः** शिक्षणीयः । **अन्यथा कुर्वन्निति** । अनासेधकाले आसेधं कुर्वन्नासेधकर्ता दण्ड्यो भवेदित्यर्थः । यद्वा आसेद्धा आसिद्धं तं लोभादिना मुञ्चन्नित्याद्यर्थः[11] । 'नासिद्धस्तं विलङ्घयेदि'त्यस्य प्रतिप्रसवमाह । **निर्वेष्टुनदीति** । नदीसन्तारादिनिमित्तचतुष्टयम् । तदतिक्रमणे दोषाभावमन्यत्राप्याह । **निर्वेष्टुकाम इति** । आश्रमान्तरं गन्तुकामः[13] । विवाहादावुद्यत इति यावत् । **यियक्षुर्**यष्टुमिच्छुः । **तत्कालं** शिल्पकालं । **आयुधीयाः** आयुधजीविनो योद्धारः । **विग्रहे** संग्रामे । निर्वेष्टुकामादयोऽपि तदुल्लंघनेनापराधिनो नेत्यर्थः[12] । सामान्यनिरोधस्यातत्वादाह । **राजेति** । ननु येषामकल्पादीनां शनैर्यानैरपि आगमनं दुर्घटं तत्र किं कार्यमत आह । [14]**कल्पादय इति** । ते–

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१ ग—स्मृत्यंतरेस्विति । २ ग—मवकृतश्च । ३ ख—व्याधितः । ४ यस्य गच्छतो । ५ ग—अवधानहितः । ६ ग—अनाथा इत्यर्थः । ७ ख—एताः अहीनपक्षादयः । ग—एताः प्रहीनपक्षादयः षट् ज्ञातिस्वामिका । ८ ख—तदस्यास्तीति । ९ ग—निरोधयेदित्यर्थं । १० क—प्रकृते । ११ ग—मुंचन्स इत्याद्यर्थः । १२ ख—न तत्रेत्यर्थः । १३ ग—इत्यर्थः । १४ ग—अकल्पादय ।

पुत्रादयः । **नियोगकृत्** आज्ञाकारी । एतदन्यः **परार्थवादी** । स व्यवहारेषु विरुद्धं विविधं विशेषेण वा ब्रुवन् दण्ड्य इत्यर्थः ॥ ५ ॥

याज्ञवल्कीये ६ श्लोकः

अर्थशब्दस्याभिधेयपरत्वनिरासद्वारा प्रयोजनपरत्वमाह । **अर्थ्यत इति** । भूतनिष्ठालब्धमर्थमाह । **पूर्वमावेदनेति**[1] । **अन्येति** । अन्यथावादीत्यर्थः । **क्रिया** । कार्यं । **नोपस्थाता** । समीपे न तिष्ठन् । **प्रपलायी** । प्रपलायनं प्रपलायः, सोऽस्यास्तीति प्रपलायी । **स्मृत इतीति** । वचनादिति शेषः । इति शब्दो हेत्वर्थो वा । अतो हेतोरित्यर्थः । पूर्वावतारितैतद्वचनोत्तरार्द्धमेव शङ्कान्तरनिरासपरमित्याशयेन शङ्कते । **आवेदनेति** । समाशब्दार्थः **संवत्सरेति** । तदर्धशब्दार्थः **पक्षेति** । अहर्ग्रहणमुपलक्षणमित्याह । **तिथीति** । प्रतिपदादिरित्यर्थः । अहः पदार्थो **दिनेति** । न तु रात्रिरित्यर्थः । नाम्नः साकाङ्क्षत्वेन प्रकृतत्वादाह । **अर्थीति** । **वेलेति** । दिनमध्येऽपि प्रातरादिर्मुहूर्तरूपो वा कालविशेष इत्यर्थः ।

क्षमेति । प्रत्यर्थिविषये आसेधाद्यकरणं **क्षमा** सहिष्णुता, तत्र यानि **लिङ्गानि** कारणानि बाल्यजडत्वादीनीत्यर्थः[2] । तत्र मानमाह । **यथोक्तमिति**[3] । तथोक्तमिति पाठान्तरं । **नारदेनेत्यर्थः** । **अर्थवत्** प्रयोजनवत् । **धर्मसंयुक्तं** । धर्मो गुणः, अल्पाक्षरत्वप्रभूतार्थत्वादिकस्तेन संयुक्तम् । **परिपूर्ण**मध्याहारानपेक्षम् । **अनाकुल**मसंदिग्धाक्षरम् । **साध्यवत्** सिषाधयिषितार्थसहितं । **वाचकपदं** बहुव्रीहिः[4] । गौणलाक्षणिकादिपदरहितम् । **प्रकृतार्थानुबंधि** पूर्वावेदितार्थानुरोधि । **प्रसिद्धं** । लोकप्रसिद्धवस्तुविषयम् । **अविरुद्धं** पुरराष्ट्राद्यविरुद्धं पूर्वापराविरुद्धं प्रत्यक्षादिप्रमाणाविरुद्धं व्यावहारिकधर्माविरुद्धञ्च[5] । **निश्चितं** अर्थान्तरसंशयरहितम् । **साधनक्षमं** । साधनार्हम् । **संक्षिप्तं** अनतिविस्तृतम् । **निखिलार्थं** अनवशेषितवक्तव्यम् । **देशकालाविरोधि**[6] । मध्यदेशीयकुसुकक्षेत्रं शरत्कालीनाम्रफलसहस्रं मदीयमपहृतमित्येवमादिशून्यम् । वर्षेत्याद्येकपदम् । प्रदेशपदान्तद्वन्द्वान्मतुप्[7] । **अहः** प्रतिपदादिर्वारो दिनं च । **वेला** प्रातरादिर्मुहूर्त्तरूपा च । **देशो** मध्यदेशादिः । **प्रदेशः** क्षेत्रादेः स्थलविशेषः । **स्थानेत्याद्यपि** एकं पदम् । वयःशब्दान्तद्वन्द्वस्य तृतीयातत्पुरुषः । **स्थानं** वाराणस्यादि । **आवसथो** ग्रामादिः, हट्टादिरूपस्थलविशेषो[8] वा । **साध्याख्या** विवादास्पदीभूतवस्तुनाम । **जाति**र्ब्राह्मणत्वादिः । **आकारो** गवाश्वादिगतो वर्णादिविशेषः, गृहक्षेत्रादेः संस्थानविशेषश्च । **वयः** गवादेर्वयःपरिमाणं बाल्याद्यवस्थाविशेषः । **साध्यप्रमाणसंख्यावत्** प्राग्वत् । साध्यस्य प्रमाणं[9] क्षेत्रादेर्निर्वर्त्तनादिकम् । **संख्या** रूपकादीनाम् । **आत्मप्रत्यार्थिनामवत्**[10][11] स्पष्टम् । **परेति** । प्राग्वत् । **परः** प्रतिवादी । **आत्मा** वादी । तयोर्ये पूर्वजाः पित्रादयस्ते चानेकराजाश्चानेके[12] राजानो भुक्तिकालिकास्तेषां नामभिश्चिह्नितम् । **क्षमालिंगात्मपीडावत्** क्षमा-

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१ ग—हेतौ हेतुमाह । २ ग—वाऽल्पजडत्वादीनि तदादीनीत्यर्थः । ३ ख-ग—तथोक्तमिति, यथोक्तमिति पाठान्तरं । ४ ख—बहुव्रीहेः । ५ ख—व्यवहारिक । ६ ग—विरोधि । ७ ख—प्रदेशान्त । ८ क—हट्टादि । ९ ख—साध्यप्रमाणं । १० ग—आत्मविशेषः साध्यप्रमाणसंख्यावत् । ११ ख—आत्म । १२ ख—राजानश्च ।

लिङ्गानि व्याख्यातानि, (पृ० १० पं० १२) आत्मपीडा स्वदुःखं, तद्वत् । **कथितेति** । प्रतिग्रहादिनाऽधिगन्ता **आहर्ता** । दाता **दायकः** । कथितावाहर्तृदायकौ यस्मिन्वचने तत् कथितप्रत्यर्थिसम्बन्धकमिति वा । एतादृशं यद्राज्ञे कथ्यते तदित्याद्यर्थः ।

भाषापदार्थमाह । **भाषा[1]प्रतीति** । उ[2]त्तरार्द्धतात्पर्यमाह । **आवदनेति** । मात्रपदेन वर्षादिव्यवच्छेदः । अत एवाह । **समेति** । एतद्व्यवस्थामाह । **संवत्सरेत्यादिना** । संवत्सररूपविशेषणमित्यर्थः । **आधाविति** । तत्र पूर्वत्वादिज्ञानाय तदावश्यकत्वमिति भावः । इदमग्रे स्फुटीभविष्यत्यसाधारणव्यवहारमातृकाप्रकरणे । अन्यत्रापि तस्य फलमाह । **अर्थव्यवहारेऽपीति** । उपयुज्यते इत्यत्रान्वयः । द्रव्यस्वामी आह । **वत्सरान्तरे** इति । **इति** एवमर्थम् । **एवं** संवत्सरविशेषणवत् । पुनस्त्वर्थे । **तत्रैव** वाराणस्यादावेव । **निविष्टः** निष्पादितः । **संज्ञाचेति** । अर्थिप्रत्यर्थिनोरेवेति भावः । अधिवसतीत्य**धिवासः** । बाहुलकात्कर्तरि घञ् । 'अर्शआद्यजन्तं वा' (व्या० सू० ५-२-१२७) अधिः समीपे इत्याह । **समीपेति** । तन्नामान्तरमाह । **कृष्णभूम इति** । "कृष्णोदक्पाण्डुत्यच्प्रत्ययो [3]बहुव्रीहेः" । पित्रिति लुप्तषष्ठ्यन्तमित्याह । **पितुरिति** । एवमेव तत्र पाठो वा **नामे**त्यस्य सम्बन्धः । पित्रादेः साकाङ्क्षत्वादाह । **अर्थेति** । गुणानुकीर्तनानुपयोगात्प्रकृतत्वाच्चाह । **नामेति** । इतिरर्थसमाप्तौ । अनुगतफलितमाह । **समेति** । निर्धारणे षष्ठी । **एवम्** अर्थवदित्यादिना उक्तप्रकारेण ।

उक्तमिति । पक्षाभासलक्षणमित्यर्थः । **निराबाधमिति** । स्वपीडारहितमित्यर्थः । तदाह । **अस्मदिति** । निष्फलत्वस्य पृथगुक्तत्वादाह । **अभिधेयेति** । तत्र मानुषप्रमाणासम्भवा[4]दाह । **अल्पेति** । अयमुभयत्र हेतुः । भुक्तेस्तु सम्भ[5]व एव नेति भावः । अत एव दिव्याभावमाह । **अल्पेति** । विनिगमनाभावादाह । **पुरेति** । तत्राद्ये स्पष्टत्वात् द्वितीये मानमाह । **राज्ञेति** । यत्पदार्थो व्यवहारः । **प्रकृतीनां** जनानां नगरस्थानाम् । उपसंहरति । **अन्ये इति** । **इतीति** । प्राग्वत् व्याख्येयम् । अप्रसिद्धादीनां पक्षाभासत्वमिवानेकपदसङ्कीर्णपूर्वपक्षस्यापि तत्त्वमेव । अनेकैः पदैः सङ्कीर्णो यः पूर्वपक्षः प्रतिज्ञा सा न सिध्यति आभासरूपा भवतीति तदर्थप्रतीते[6]स्तन्निराकरोति । **यत्त्वित्यादिना** । तत्र पदशब्दः पद्यते ज्ञायते इति व्युत्पत्त्या किं वस्तुपरः, उत ऋणादानादिरूपव्यवहारविषयपरः । तत्र न तावदाद्ये पक्षाभासत्वमित्याह । **तत्रेति** । उक्तवचने इत्यर्थः । द्वितीयेऽपि तदभावमाह । **ऋणादानादिति** । निक्षिप्तं[7] मयेति शेषः । यत इति शेषोऽन्ते बोध्यः । वचनानर्थक्यपरिहाराय तस्याभिमतार्थमाह । **किं त्विति** । **क्रियेति** । साध्येत्यर्थः । एतावत् तत्रोच्यते इति शेषः । अत्र मानमाह । **यथाहेति** । **बहुप्रतिज्ञं** बहुपूर्वप[8]क्षकम् । अन्यथैतस्य वैयर्थ्यं स्पष्टमेव । तस्मादुक्तैव वचनयोर्व्यवस्था । तदेव द्रढयन्नुपसंहारव्याजेनाह । **तस्मादिति** । **तस्यार्थ इति** । उक्तवचनस्यार्थ इत्यर्थः । यथावेदितमर्थिनेत्यत्रार्थिपदस्वारस्येन लब्धमर्थमाह । **अर्थीति** । अर्थिनः पुत्रोऽप्यर्थी । तत्पिताऽप्यर्थी । आदिशब्दादर्थिनियुक्तादयोऽप्यर्थिन इत्यर्थः । अत एव तेषामन्यथावादित्वं निरस्तं ।

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१ ख—भावाप्रतीतिः । २ ख—उत्तरतात्पर्यमाह । ३ ग—बहुव्रीहेः । ४ ग—सम्भवमादावाह । ५ ग—सर्वमेव नेति । ६ ग—प्रतीतेरिति प्रांचस्तन्निरा । ७ ख—स मयेति ८ ग—बहुसाध्यकम् ।

प्राक् "**यो न भ्राते**" त्यनेन वचनेन । ननु तत्पुत्रादेस्तदेकार्थत्वात्तत्वं युक्तं तन्नियुक्तस्य तु तदभावात्कथं तत्त्वमत आह । **नियुक्तस्यापीति** । तत्र मानमाह । **अर्थिनेति** । **तस्येति** वाच्ये **तयोरित्यस्य** तात्पर्यार्थमाह । **नियुक्तेति** ।

मूलानुक्तं विशेषमाह । **एतच्चेति** । अर्थिवेदितमित्यर्थः । **पाण्डुलेखेति** । "**खडी**" ति भाषाप्रसिद्धः । **आवापेति** । न्यूनाधिक्यपरिहाराय प्रक्षेपनिष्कासनाभ्यामित्यर्थः । युक्तं चैतत् । अन्यथा पत्राप्रामाण्यप्रसङ्गापत्तेः । तत्र मानमाह । **पूर्वेति** । स्वभावेनोक्तं न तु छलादिना । **ततस्तदनन्तरम्** । **तथा** । विशोधितं पत्रेऽभिलेखयेदित्यर्थः । शोधने विशेषमाह । **शोधनं**[1]**मिति** । **अवेति**[2] । उत्तरेणावष्टब्धस्य पूर्ववादस्य शोधनं निवृत्तं भवेदित्यर्थः । **शोधयेदिति** । विधिसूचितमर्थमाह । **पूर्वपक्षमिति** । **रागादिति** । प्रागुक्तमिदम् । इतीत्यस्य बोध्यमिति शेषः ॥ ६ ॥

याज्ञवल्कीये ७ श्लोकः

प्रत्यर्थिनो वचनस्य उत्तरत्वे बीजमाह । **पूर्वेति** । **उत्तरत्र** अग्रे । तदीययथाकथञ्चिद्वचनस्यानुत्तरत्वाय विशेषमाह । **उत्तरं चेति** । **तद्विदः** । व्यवहारविदः । **सार**मित्यस्यार्थो न्याय्यम् । तदर्थो **न्यायादिति** । तृतीयान्तानां[3] त्रयाणां यद्याख्येयार्थमित्यत्रान्वयः । **दुःश्लिष्टेति** । **अश्लिष्टेति** पाठान्तरम् । **श्लिष्टं** सम्बन्धयुक्तम् अदुष्टमिति यावत् । न श्लिष्टमश्लिष्टं असम्बद्धं दुष्टमिति यावत् । विभक्तिश्च समासश्च विभक्तिसमासौ । अश्लिष्टौ दुष्टौ च तौ विभक्तिसमासौ च तौ अध्याहारेण सह वर्त्तत इति साध्याहारं, तौ च तच्च तानि । तैरभिधानं तेनेत्यर्थः । **दुःश्लिष्टेति** पाठेऽप्येवम् । दुःश्लिष्टौ दुःखेन सम्बद्धौ यौ तौ ताभ्या[4]मित्यर्थत्वाद्दुष्टत्वे पर्यवसानात् । **अदेशेति** । अन्यदेशेति पाठान्तरम् । उत्तरपदार्थमाह । **तत्सदुत्तरमिति** । **प्रत्ययेति** । कारणोत्तरमित्यर्थः । **मह्यमिति** । धारेरुत्तमर्ण इति सम्प्रदानत्वम् । **सत्येति** । सत्यत्वोक्तिरित्यर्थः । **प्रतिपत्तिरिति** । प्रतिपत्तिः सम्प्रतिपत्तिः सत्योत्तरमित्यनर्थान्तरम् । **नाहमिति** । वाद्युक्तिः पूर्ववत् ।एवमग्रेऽपि ।

द्वितीयभेदानाह । **तच्चेति** । **मिथ्यैतत्** नाहं धारयामीत्येकं । **नाभिजानामि** नैव जानामीति द्वितीयम् । **तदेति** । तस्मिन्काले तस्मिन्देशे मम सान्निध्यमेव न स्थितमिति तृतीयम् । **अजात इति** । तत्काले ममोत्पत्तिरेव न स्थितेति चतुर्थम् । एवं प्रकारेण मिथ्योत्तरं चतुर्विधमित्यर्थः । अत्र स्पष्टत्वात्स्मृतिरेवोक्ता । पृथक् सङ्कीर्तनं न कृतमिति बोध्यम् । **नाम** त्वर्थे । विनिगमनाविरहादाह । **प्रतिग्रहेणेति** । **लेखितः** ण्यन्तस्य रूपम् । प्रत्यर्थी यदि तं पत्रारूढीकृतमर्थं **तथा प्रपद्य** तथैवाङ्गीकृत्येत्याद्यर्थः । **आचारेणेति** । व्यवहारेण पराजितोऽपीत्यर्थः । जितः पूर्वमित्येवं स वाच्य इत्यर्थः । **सः** तथोक्तिरूपः ।

स्मृत्यन्तरमाह । **यद्यस्तमिति** । **तत्र** । एकादशानां मध्ये । **पञ्चाशतमिति** । अर्धन्यून-

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१ ग—**शोधनं चेति** । २ क—अवेति; ख—अथवेति । **अत एवेति** । ३ ख—तृतीयांतं
४ ख—ताभ्यां सेत्यर्थत्वात् ।

तयाऽस्यल्पत्वम् । अत एव द्वैगुण्येनातिभूरित्वमाह । **द्विशतमिति** । समाहारे द्विगुः । पात्रादित्वात्स्त्रीत्वाभावः । **पक्षैकेति** । श्लोके तथाशब्दश्चार्थे । **अन्यत्** । पक्षैकदेशव्यापि चेत्यर्थः । पक्षैकदेशनिराकरणसमर्थेत्यर्थः । **व्यस्तेति** । असम्बद्धपद[1]कमित्यर्थः । पक्षैकदेशव्यापिनोऽनुत्तरत्वे सकलपक्षाऽव्यापिनोऽनुत्तरत्वमर्थसिद्धमेवेत्यव्यापीत्यन्यथा व्याचष्टे । **देशेति** । **मध्येति** । विन्ध्यहिमाचलयोर्मध्ये इत्यर्थः । **लिखिते इति** । अन्तर्भावितण्यर्थमिदम्[2] । गुप्तार्थमाह[3] । **अत्रेति** । **ध्वनिना** । किमादिबोध्येन । तथाकुलमिति पाठो न तु निराकुलमित्यभिप्रेत्याह[4] । **आकुलमिति** । **दुःश्लिष्टेति** । प्राग्वत् (पृ. १२ पंक्तिः १५) । [5]उभयोदाहरणमाह । **यथेति**[6] । **पित्रिति** । पितुर्यो ऋणाभियोगस्तत्रेत्यर्थः । उत्तरमाह । **गृहीतेत्यादि** । **इतीत्यन्तेन** । अस्य तात्पर्यार्थमाह । **अत्रेति** । **गृहीतेति** । बहुव्रीहिः । तथा च गृहीतशतवचनादित्यत्र दुःश्लिष्टः समासः सुवर्णानामित्यत्र शतं गृहीतमित्यस्याध्याहार इत्युभयोरेकमेवोदाहरणम् । **इतीत्यस्य** विवक्षितमिति शेषः । उभयोरुदाहरणमाह । **गृहीतमिति** । [7]अत्रेति शेषः । ईदृशं[8] यदुत्तरं तत् स्वार्थसिद्धये नेति द्वितीयश्लोकार्थः । तथा च तस्य सदुत्तरत्वमेव नेति पूर्वश्लोकवाक्यतेति बोध्यम् ।

अभिमतार्थसूचकतया न न्यूनतेत्याह । **उत्तरमिति** । श्रुतार्थस्योत्तरं लेख्यमित्यत्र तथा निर्देशात्संऽकीर्णोत्तरस्यानुत्तरत्वमित्यर्थः । ननु त्रिभिर्मिलित्वा पक्षस्य निराकरणेन तत्समर्थत्वात्कुतोऽनुत्तरत्वमत आह । **अनुत्तरत्वेचेति** । **तेनैव कात्यायनेनैव** । **न चेति** । नहीत्यर्थः । **स्यादिति** । संभावनायां लिङ् । **वादिनोः** । अर्थिप्रत्यर्थिनोः । **एकत्र** । अन्यतरस्मिन् संभवतीति शेषः । सङ्करस्यानेकवि[9]धत्वादादौ द्वयोः सङ्करे आद्योदाहरणमाह । **मिथ्येति** । वादिनोरित्यस्यार्थमाह । **अर्थीति** । न वादिद्वयपरत्वमिति सूचयितुं । **मिथ्येति**[10] । अव्ययमिदं मिथ्योत्तरे इत्यर्थः । **पूर्ववादे** कर्मण्यण्, वादिनीत्यर्थः । **कारणे** । कारणोत्तरे । **विरुद्धमिति** । तथा च कर्तुमशक्यत्वादुभयोर्नार्थसिद्धिरिति भावः । न चार्थेति चोक्त एवेत्यर्थे । **न चैकत्रेत्यस्य** तत्रैवोदाहरणमाह । **कारणेति** । तयोर्मिथः संकरेत्वित्यर्थः । एवेनार्थिव्यवच्छेदः । **प्राङ्न्यायेति** । तयोरुक्तावित्यर्थः । नेदं प्रत्येकपरम् । कारणांशे "कारणे प्रतिवादिनी" ति सिद्धत्वात् । तस्मात्तत्साङ्कर्यपरमेवेदम् । अत एव समासनिर्देशसङ्गतिरपि । इतिः प्राग्वत् । नन्वत्रैकस्यैव क्रिया न द्वयोरिति न प्राग्विरोधोऽत आह । **अत्रचेति**[11] । द्वितीयसङ्करेत्वित्यर्थः । स्मर[12]णादिति शेषः । **भावेति** । साधयितव्यमेतैः कृत्वेत्यर्थः । आदिना दिव्यपरिग्रहः । **उत्तरत्रयेति** । मिथ्याकारणप्राङ्न्यायरूपेत्यर्थः । **एवं चतुरिति** । यथा अनेन सुवर्णं रूपकशतं वस्त्राणि धान्यं च गृहीतमित्यभियोगे, सुवर्णं धारयामि, रूपकशतं न गृहीतं, वस्त्राणि प्रतिग्रहेण लब्धानि, धान्यविषये पूर्वन्यायेन पराजित इति । एवं मिथ्याप्राङ्न्यायसङ्करेऽपि द्रष्टव्यम् ।

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१ ख—पदरूपम् । २ ग—गुप्तार्थमिदम् । ३ क—गुह्यार्थं । ४ ग—कुलमितीत्यभिप्रेत्य । ५ ख—आद्योदाहरणमाह । ६ ख—तथा कुलमिति पाठे न तु । ७ ग—तत्रेति । ८ ग—इदं वा । ९ ख—अनेकत्वादादौ । १० ग—अमिथ्येति । ११ ख—वेति । १२ ख—पाठः ।

नन्वत्र सर्वत्र क्रमेण क्रियाद्वयस्य सुकरत्वात्**कात्यायनो**क्रमसम्भवरूपं तत्कारणकथनमयुक्तमतस्तदाशयमाह । **एतेषां चेति** । असिद्धेरिति च्छेदः । अत एवैतत्फलितमाह । **क्रमेणेति** । क्रमेणत्वित्यर्थः । तत्र नियामकाभावादाह । **क्रमश्चेति** । **चेन** प्राड्विवाकादेः समुच्चयः । एवं प्राप्ते क्वचिन्नियामकमाह । **यत्रेति** । यत्रत्वित्यर्थः । **उभयोरिति** । मिथ्याकारणोत्तरयोरित्यर्थः । इदमुपलक्षणं **त्र्यादे**रपि । **यस्य** । उत्तरस्य । **परत्वं** । रूपत्वं । **तत्क्रियोपेति** । तत्साधकक्रियाग्रहणेनेत्यर्थः । **पश्चादिति** । अल्पविषयकोत्तरसाधकक्रियाग्रहणेनेत्यर्थः । सत्योत्तरसङ्करस्य पूर्वमनुपन्यासे बीजं ध्वनयन् तत्र नियामकान्तरमाह । **यत्र चेति** । फलाभावेन पश्चादपि तदभावादत्र पूर्वमिति नोक्तम् । तदाह । **सम्प्रेति** । उक्तनियामकद्वये मानमाह । **यथेति** । उक्तमित्यत्रान्वयः । द्वितीयमाह । **सत्यंवापीति** । **यद्** उत्तरम् । द्वितीये आह । **यत्र वेति** । उत्तरे इत्यर्थः । तत्र तदुत्तरमसङ्कीर्णं ज्ञेयमित्यर्थः । **अतोऽन्यथेति** । यत्प्रभूतार्थविषयकमुत्तरं न भवति अपि तु समार्थविषयकं, यत्र चोत्तरे क्रियाफलमुभयत्र भवति तत् । **अतः** । पूर्वोक्तात् । **अन्यथा** । प्रकारान्तरमित्यर्थः । तत्त्वमेव कथयन् तदर्थमाह । **सङ्कीर्णमिति** । वाक्यपूर्तये आह । **भवतीति शेष इति** । अत्रापि संकीर्णत्वादनुत्तरत्वमेव सर्वथा नाभिमतं किं तु यौगपद्येन तत्वम् । अर्थ्यादीच्छाक्रमेण तु तत्वमेवेति प्रागुक्तमेवाह । **ऐच्छिकक्रममिति** । तदर्थमाह । **अपेक्षाक्रममिति** । अर्थ्याद्यपेक्षाक्रमकं भवतीत्यर्थः । पुंलिंगपाठे तत्पुरुषः । तत्रेति शेषः । **तत्र** । तयोर्मध्ये । द्वितीयोदाहरणमाह । **तथेति** । **तस्मिन्नेवेति** । अनेन सुवर्णं रूपकशतं वस्त्राणि च गृहीतानीति पूर्वोक्ते एवाभियोगे इत्यर्थः । तानीति शेषः । **दास्यामीत्यस्य** इत्युत्तरस्येति शेषः । **इति चोत्तरे** । इत्यन्यतमोत्तरेण साङ्कर्ये । तथा चात्र दास्यामीत्यन्तस्य सत्योत्तरस्य यथाक्रमं मिथ्योत्तरेण कारणोत्तरेण प्राङ्न्यायोत्तरेण च सङ्करो बोध्यः । सङ्कीर्णोत्तरे विषयसाम्ये ऐच्छिकः क्रमस्तद्वैषम्येऽप्यधिकविषयोपादानेन प्राग्व्यवहार इत्युक्तम् । तत्र द्वितीयस्यापवादमपि प्रसङ्गात्सूचयन् प्रकृतमाह । **सम्प्रतीति** । एतदर्थमेव तस्मिन्नेवाभियोगे इत्युक्तम् । अन्यथाऽभियोगान्तरमेव वदेत् । **मिथ्याद्युत्तरेति** । मिथ्याद्यन्यतमोत्तरेत्यर्थः ।

एवं तादृशसङ्कीर्णोत्तरस्य यौगपद्येन सर्वथाऽनुत्तरत्वे प्राप्ते क्वचित्प्रतिप्रसवमाह । **यत्रत्विति** **शृङ्गिग्राहिकयेति** । तन्न्यायेनेत्यर्थः । **कश्चित्** । वादी । **अन्यः** । प्रतिवादी । **उत्तरमिदं** । आदावुत्तरत्वं साधयति । **इदमिति** । **तावत्** । आदौ । तत्वस्यैवोत्तरत्वस्य प्रागुक्तत्वादाह । **पक्षेति** । साङ्कर्यं प्रतिपादयति । **नापीति** । एवेनान्यव्यवच्छेदः । तथा चासाङ्कर्यम् । **कारणं** कारणमेव । एकदेशस्य ग्रहणस्य साङ्कर्यमुपसंहरति । **तस्मादिति** । **सकारणमिति** । अत्र कारणस्याप्राधान्यं मिथ्योत्तरस्य प्राधान्यं तस्य तदुपपादकत्वस्यापि सम्भवात् । अत एव तत्र सहयोगे तृतीया कृता । प्रागुक्तबाधकस्यात्राभावमाह । **अत्र चेति** ।

प्रतिवादिना तस्यैव उक्तमभिप्रेत्य प्रधानन्यायादरेण शङ्कते । **नन्विति** । परिहरति । **नेति**

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१ ख—चेति । २ ग—नियमकमाह । ३ ख—न्यासबीजं । ४ ग—युक्त । ५ ख—तानीत्यस्येतिशेषः । दास्यमिति । ६* ग—हीनादीत्यस्येति शेषः । ७ ख—एकदेशादाह पक्षस्येति । ८ ख—कारणस्याप्यप्राधान्यं ।

तत्र हेतुमाह । **तस्येति** । वचनस्येत्यर्थः । तुल्ययुक्त्याशङ्कते । **कारणे इति** । एवं चानुत्तरत्वमेवैतस्येति भावः । ननु शुद्धकारणोत्तरं[१] प्रागुदाहृतं प्रसिद्धमेवेति तदभावोक्तिरयुक्ताऽत आह । **प्रसिद्धेति** । सत्यं गृहीतं प्रतिदत्तं चेत्येवंरूपे प्रागुक्तेऽपीत्यर्थः । **[illegible]थैकेति** । ग्रहणस्येत्यर्थः । **नैकेति** । साधारणस्येत्यर्थः । उदाहरणेनेदं विशदयति । **यथेति** । **प्रकृतोदेति** । अन्यस्तु मिथ्यैतत् मैत्प्रदर्शितकालादित्यादि पूर्वोक्त इत्यर्थः । **देशस्येति** । तस्यापीत्यर्थः । (क्वचित्**तथा**पाठएव) । **विशेष इति** । मिथ्या सहचरितरूपत्वं तूभयत्र समानमिति भावः । एवं[३] सिद्धेऽर्थे मानमप्याह । **एतच्चेति** । **वापीति** । अनेन त्रिसांकर्येऽपि कारणमेव ग्राह्यमिति दर्शितम् । प्रतिप्रसवान्तरमाह । **यत्रेति** । यत्रचेत्यर्थः । एवमुत्तरत्वे साधिते तन्निर्वाहोपायमाह । **अत्रापीति** । **मिथ्याक्रियेत्य**स्य शुद्धमिथ्याविषयत्वादाह । **प्रतीति** । एतेन वादिव्यवच्छेदः । अत एवाह । **प्राङ्न्यायेति** । नन्विदं कारणप्राङ्न्यायसङ्करविषयतया पूर्वमुक्तमिति कथमत्र प्रवृत्तिरत आह । **शुद्धेति** । अन्यथेति[६] शेषः । तथा च संकीर्णत्वात्तत्वप्रसङ्गो, न च तद्युक्तं पक्षव्यापित्वादिति भावः । यद्वा शुद्धस्य प्राङ्न्यायस्याभावाद्वचने क्रियाबोधकेऽपाठात्तत्र कस्यापि क्रियाया अलाभेन[७] सर्वस्यापि प्राङ्न्यायस्यानुत्तरत्वप्रसङ्गो, न च तद्युक्तं तत्र तस्य गणनात् । तथा च यथा तयोस्तत्र[८] तस्य प्रवृत्तिस्तथा कारणस्य मिथ्यासहचरितरूपत्वात् सांकर्ये शुद्धप्राङ्न्यायस्य प्रवृत्तिरिति भावः । शुद्धप्राङ्न्याये तु वक्ष्यति व्याख्याकृत् **प्राङ्न्यायविधिसिद्धौ त्विति** ।

ननु पक्षनिराकरणसमर्थस्यैवोत्तरत्वे संप्रतिपत्तेरनुत्तरत्वप्रसङ्गस्तदभावादत आह । **संप्रतिपत्तेरपीति** । उत्तरत्वमित्यत्रान्वयः । **नोपेति** । प्रत्यर्थिनेति भावः । एवं यत्र प्रतिवादिन एकक्रियास्थले उक्त्वा तस्यैव क्रियाद्वयप्रसंगो यत्र प्रागुक्तस्तत्र विशेषं प्रतिपादयन्प्रतिप्रसवान्तरमाह । **यदा त्विति** । यदाऽपीत्यर्थः । **तत्र** । तत्रापि । **यथारुचीति** । तस्यैव तयोर्मध्येऽन्यतरक्रियेत्यर्थः । संकीर्णोत्तरस्य युगपदनुत्तरत्वमुक्तमुपसंहरति । **इति न क्वचिदिति** । **निवेशिते** । लेखिते[९] । प्रागुक्तव्युत्पत्तेराह । **साध्यवानिति** । स्पष्टार्थमाह । **प्रतीति** । भावेऽर्थासङ्गतेरिष्टासिद्धेश्चाह । **साध्यत इति** । 'प्रमाणं लिखिता' दि वक्ष्यमाणं । पूर्वत्र न्यूनतां निराचष्टे । **अत्रेति** । *अपिना सद्यः । मिथ्याक्रियेति प्रागुक्तार्थस्य[१०] मूलारूढत्वं सूचयन्नर्थिशब्दस्यात्र यौगिकत्वं न योगरूढत्वमिति सूचनद्वारा न्यूनत्वाभावं प्रतिपादयति । **अर्थीति** । वर्त्तमानसत्तोपाधिकान्मतुबाद्युत्पत्तेराह । **अस्तीति** । अपिशब्दः[११] पूर्वसमुच्चये तेन साम्यम् । **तु**र्वैलक्षण्ये । **निर्दिशेत्** । लेखयेत् । ण्यर्थान्तर्भावः प्राग्वत् । अन्यदप्याह । **तथेति** । **अर्थोवेति**[१२] । आक्षेपादेव कर्तृलाभे तदुक्तिर्नियमार्थेति भावः । **अतश्चेति** । गम्यते इत्यत्रान्वयः ।

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१ ख—असाधारणस्य । २ ख ग—एतत्प्रदर्शित । ३ क—एव । ४ ख—त्रिभिरपि सङ्करे । ग—त्रिसांकर्येऽपि । ५ ख—एवेन । ६ ख—अत्रेति । ग-अन्यथा अत्रेति । ७ ख ग—अभावेन । ८ ख—पाठः । ९ ख—लिखिते । १० ख—प्रागुक्तस्यार्थस्य । ११ क—अपिः । १२ ग—अर्थ्येवेति ।

* कालविलम्बनमपि इति मिताक्षरास्थेन अपिशब्देन सद्य इत्यर्थो बोध्यः । उत्तराभिधाने कालविलम्बनमङ्गीकृतं न तु शीघ्रमुत्तरदानस्यानङ्गीकार इति भावः ।

तावतैव । तादृशोत्तरदानेनैव । अत्र सर्वत्र मानमाह । **एतदेवेति** । अर्थीत्यादिनोक्तमेवेत्यर्थः । **प्राङ्न्यायेति** । अस्याशय उक्तः । वादी तु क्रियां निर्दिशेत् । **सा** । क्रिया ॥ ७ ॥

याज्ञवल्कीये ८ श्लोकः

ततः । साधनलेखनोत्तरम् । **प्रकारान्तरे** इत्यस्य व्याख्या **साधनसिद्धाविति** । **एवं** व्यवहारतद्विषयादिकथनप्रकारेण । **रूपं** । स्वरूपं । व्यवहारपदार्थं स्पष्टार्थमाह । **व्यवहारेति** । **सोऽयं** । व्यवहारोऽयम् । **इत्थम्** । उक्तप्रकारेण । मुख्यपादत्वासम्भवादाह । **चतुरंशेति** । ऋणादानादिषु वक्ष्यमाणेषु विषये । तानेवांशान्विभज्य दर्शयति । **तत्रेति** । तेषां मध्ये इत्यर्थः । **विप्रतिपत्तिषु** सतीषु । अस्य न सार्वत्रिकमित्याह । **संप्रतीति** । अनिर्देशे हेतुमाह । **भाषार्थेति** । **चो** [१]लक्षण इत्यग्रे प्रयोज्यः । तेन साधनक्रियापादसमुच्चयः । यद्वा चो हेतुसमुच्चये एव । **लक्षणः** । लक्षणोऽपि । क्वचित्तथा पाठ एव । अतएवाह । **द्विपात्त्वमेवेति** । न्यूनतां निराचष्टे । **उत्तरेति** । **अर्थिप्रत्यर्थिनोः** । मध्ये इति शेषः । **प्रत्येति** । पौनःपुन्येन विचारणस्येत्यर्थः । अस्य व्यभिचरितत्वादाह । **व्यवेति** । अर्थ्यादिसम्बन्धिन एव तत्त्वमिति भावः ॥ ८ ॥

इति साधारणव्यवहारमातृका ।

अथ असाधारणव्यवहारमातृकाप्रकरणम् ॥ २ ॥

याज्ञवल्कीये ९ श्लोकः

प्रकृते योगरूढत्वमर्थान्तरनिरासायाह । **अभियुज्यते** इति । दोषविषयीक्रियते इत्यर्थः । येनेति शेषः । करणे घञः सौलभ्यात् । यथाश्रुतं वा । सम्बध्यते इति तदर्थात् । **एन**मित्यत्र कथितानु[२]कथनसत्वेनान्वादेशविषयत्वादेनादेशः । अपराधेनेत्यस्य विशेषपरत्वाय शङ्कते । **यद्यपीति** । सत्यं गृहीतं प्रतिदत्तञ्चेति कारणोत्तरस्थाने न दत्तं स्थितं मया पुनर्दत्तमित्येवं प्रत्यभियोगरूपत्वमित्यर्थः । **विषयत्वमिति** । तथा चाभियोगनिवारकमेव प्रत्यभियोगं कुर्यादेव न तदनिवारकम् । अन्यथा सत्यं मिथ्योत्तरमित्यादिना चातुर्विध्यकथनस्यैवासङ्ग[३]त्यापत्तेरेतन्निषेधवैयर्थ्यापत्तेश्च । तदाह । **अत इति** । **अनुपमर्दनेति** । करणे ल्युट् । **निषेध इति** । नैनं प्रत्यभीति निषेध इत्यर्थः । तथैव सम्भवादाह । **इदमिति** ।

भूते कर्मणि निष्ठायां तन्निस्तारे [४]जाते तस्येष्टत्वेनासङ्गतिं परिहरति । **अनिस्तीर्णेति** । भावनिष्ठान्तान्मत्वर्थीयोऽजिति भावः । [५]अन्येनेत्यस्य पूर्वाभियोगे सम्बन्धात् योग्यतया शेषमाह । **अन्योऽर्थीति** । प्रतीत्यस्य सम्बन्धायोग्यत्वात्तमपहायाह । **नाभीति** । नोक्तमित्याद्युक्तिरप्यानन्तर्यादर्थिनं प्रत्येवेत्याह । **किं चेति** । प्रकृतिशब्दः स्वभावार्थको 'दुस्त्यजा प्रकृतिरि-

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१ ख—उपलक्षण इत्यग्रे योज्यः । २ ग—कथितानुकथनसत एव तत्वमिति भावः । ३ क—सङ्गत्वापत्ते । ४ ख—याते । ५ ग—असंनेत्यस्य ।

त्यादौ ' दृष्टः । शङ्कितुमेतत्तात्पर्यार्थमाह । **एतदिति । तथैवेति** । अन्यथाऽन्यथावादित्वेन भंगप्रसङ्गादिति भावः । इदं प्रतिपादितमधस्तात् । **अपिः** तस्यैव समुच्चये । एवमग्रेऽपि । अत एवाह । **नन्विति । तदेवेति** । तथा च वस्त्वन्तरकथननिवृत्तिस्तेन क्रियते । **एकस्मिन्नपि पदे** । ऋणादानादिव्यवहारविषये इत्यर्थः । [4]व्यवच्छेद्यमेवाह । **न वस्त्वन्तरमिति** । तदेवोदाहरणकथनेन विशदयति । **यथेति** । यद्यपि ऋणादाने रूपकमेव व्यवहारविषयो भवति, तथापि रूपकशतस्थाने वस्त्रशतोक्त्या वस्त्वन्तरोपादानमिति तन्निषेधस्तेन क्रियते इति भावः । एतेन शतरूपस्य विषयस्यैकत्वादयुक्तमिदमित्यपास्तम् । प्रागुक्तं दार्ढ्याय [1]स्मारयति । **तथा सतीति । पदान्तरगमेति** । विषयान्तरं प्रत्यगमनेऽपीत्यर्थः । अत्र प्रकरणे पदशब्दो विषयवाची । **इत्यनेन** इत्यनेन तु । **यथेति** । अत्र रूपकशतरूपवस्तुन एकत्वेऽपि ऋणादानापहरणरूपयोर्व्यवहारविषययोर्भिन्नत्वेन तद्गमनमनेन नोक्तमित्यनेन निषिध्यते इत्यर्थः । उक्तमेव स्पष्टार्थमुपसंहरति । **तत्रेति** । प्रत्यर्थिन इत्यत्रेत्यर्थः । वैपरीत्याशङ्का तु न । "यथावेदितं, नोक्तं विप्रकृति" मित्येतत्स्वारस्यात् ।

तत्राद्ये मानस्योक्तत्वात्[2] द्वितीये तदाह । **एतदेवेति** । द्वितीयमुक्तमेवेत्यर्थः । **पदसंक्रेति** । पदान्तरं प्रतिगमनाद्वस्त्वन्तरगमनाच्चेत्यर्थः । **वादेति** । पाठान्तरम् । तत्र साधारण्यमस्य बोध्यम् । **आद्ये** तु प्रकृतपरत्वमेवेति तत्त्वम् । 'हीनवादी दण्ड्यः स्यादित्युक्तं' सविशेषं विशदयति । **हीनेति** । दण्ड्य एवेत्यर्थः । अत एवाह । **न प्रेति** । वचनस्थक्रमेणाह । **प्रत्येति । सिद्ध्यसिद्धीति** । हीनवादित्वे प्रकृतार्थासिद्धिरतथात्वे तत्सिद्धिरित्यर्थः । अत्र मानमाह । **अत एवेति** । मूलकृदिति शेषः । अस्यार्थोऽग्रे एव स्फुटः । इदमपि न सार्वत्रिकमित्याह । **एतच्चेति** । हीनवादी दण्ड्य एव, न प्रकृतार्थाद्धीयते इत्येतदित्यर्थः । **अर्थेति** । उक्तविषयव्यवहारे एवेत्यर्थः । **मन्युकृते त्विति** । वाक्पारुष्यदण्डपारुष्यादिव्यवहारे इत्यर्थः । **अपिना** दण्डसमुच्चयः । तथा चैवंविधे वाक्छले व्यवहारहानिर्दण्डश्चेति भावः । उक्तार्थस्य स्पष्टतयाऽभासादाह । **अस्यार्थ इति** । अर्थपदव्यावर्त्यमाह । **न मन्युकृतेष्विति** । अन्यत्र तस्य स्पष्टत्वादेवाह । **अपीति** । **नावसीद**तीत्यस्य व्याख्या । **न पराजीयते इति** तद्व्याख्या । **न प्रकृतादिति** । उत्तरार्द्धस्यासम्बद्धत्वं पुनरुक्तत्वं च परिहरति । **अत्रोदेति** । सामान्योक्तौ विशेषोक्ति[3]र्दृष्टान्त इति भावः । तत्वं योजयति । **प्रमेति*** । शास्यपदार्थौ । **दण्ड्योऽपीति** । उदाहरणत्वादेवाह । **यथेति** । शेषपूरणमनयोरिति भावः । अत एव **वाक्छले** इति सप्तम्यन्तच्छेदो न तृतीयान्त इति बोध्यम् । अत एव च वैपरीत्यशङ्का नेति गूढा[5]कूतं । एवं शाब्दमाद्या[6]र्थमुक्त्वा द्वितीयमर्थपदध्वनितमाह । **अर्थेति** । **श्वानेनेति** । तृतीयान्तं न प्रागवत्सप्तम्यन्तम् । सूचितस्योदाहरणमाह । **यथाऽहमिति** ॥ ९ ॥

१ ख ग—स्मरति । २ ग—त्वेऽपि द्वितीयसाधारणं तदाह । ३ ख—विषयोक्ति । ४ ख—पदेति ।
५ ख—गूढं कूतं । ६ ग—शब्दमाद्यर्थं ।

* प्रमादाभिधानेनेति ।

याज्ञवल्कीये १० श्लोकः

सङ्गतिमाह। **अभीति**। **इत्यस्येति**। इत्यंशस्येत्यर्थः। तथा च प्रत्यर्थिविषये[1] एवायमपीति भावः। **निमित्तेति**। बहुव्रीहिः। ननु साहसादावपि प्रत्यभियोगासम्भवेऽभियुक्तस्य कथं तत्करणविधिरत आह। **प्रत्यभीति**। तथा च तदसम्भवेनैव कुर्यादिति सम्भवाभिप्रायकमेवैतद्वचनमिति भावः। **स्वाभीति**। स्वयमभियुक्त इत्यादिः। तथा चेदं साहसादावेवेति, तदन्यविषयकं तदिति भावः।

नन्वेवंविधस्थले प्रत्यभियोगः किमुत्तरं सत्सार्थकः, असार्थकः, उत प्रतिज्ञान्तरं सत्। नाद्यः, पूर्वपक्षनिराकरणासमर्थत्वेनानुत्तरत्वात्। नान्त्यः, अभियोग एका प्रतिज्ञा प्रत्यभियोगश्चान्या[2]। ततश्च सङ्कीर्णोत्तरे यथा युगपद्व्यवहारासम्भवादनुत्तरत्वमेवं प्रतिज्ञान्तरेऽपि तदसम्भवस्य तुल्यत्वात्। अप्रतिज्ञात्वेन प्रत्यभियोगविधेरेव वैयर्थ्यात्। एवं च वचनार्थो दुर्वच इत्याशयेन शङ्कते। **नन्वत्रापीति**। द्वितीयपक्षमाश्रित्य समाधत्ते। **नात्रेति**। तत्राद्योदाहरणमाह। **अनेनेति**। **दण्डेति**। प्रत्यभियोक्तुरिति[3] भावः। एवमुक्ततात्पर्ये मानमाह। **यथाहेति**[5]। **आक्षारयेत्**। कायेन वाचा वा क्षीणं कुर्यात्। **नियतं**। निश्चयेन। **नयो**। दण्डः। द्वितीयोदाहरणमाह। **यदा पुनरिति**। यदा त्वित्यर्थः। **पारुष्ये इति**। वाग्दण्डेत्यादिः। अत एव सामान्योक्तिः। इदमेव तत्र कलहपदेनोक्तम्। एवञ्च तदेकवाक्यतया तस्यैकं एव आशयस्तदेतदभिप्रेत्य प्रागुक्तमुपसंहरति। **एवमिति**। उक्तप्रकारद्वयेनेत्यर्थः। **एवं सतीति**[4] पाठान्तरम्। उक्तवचनस्यैवंतात्पर्यकत्वे सतीति तदर्थः।

अव्यवहितसङ्गत्यभावादाह। **अर्थीति**। शेषं विशेषाभावादाह। **सर्वेष्विति**। कार्यस्य निर्णय इत्यर्थेऽर्थासङ्गतेराह। **निर्णयस्येति**। **तस्मिन् समर्थ इति**। द्विविधदाने समर्थ इत्यर्थः। मालजामिन इति भाषाप्रसिद्धोऽयम्। अनेनाताद्दशस्यातत्त्वमुक्तम्। प्रतिभूशब्दो योगरूढ इत्याह। **प्रतीति**। प्रतिः प्रतिनिध्यर्थक इत्याह। **तद्वदिति**। प्रकृतत्वादाह। **सस-भ्येनेति**। शेषोऽयं ग्राह्यपदान्यथानुपपत्तेः। अनुक्तं विशेषद्वयमाह। **तस्येति**। प्रतिभुव इत्यर्थः। उभयत्र मानमाह। **यथाहेति**। **अथेति**। पक्षान्तरे। तत्र समर्थ इत्यर्थमाह। **कार्येति**। **वादिन इति**। द्वयोरेकशेषः। जातावार्षं वा एकवचनम्। तेन वादित्वेन अर्थिप्रत्यर्थिनोः समासेन ग्रहणम्। एवमग्रेऽपि। **रक्षितः** भृत्येन। इदमुपलक्षणं तस्यापि इति केचित्। वादित्वमुभयोरपीति प्रत्येकाभिप्रायमेकवचनमित्यपरे[6]। **तुश्चार्थे** व्युत्क्रमे च। वादिनश्चेत्यर्थः। **चेन** तत्संग्रह इति परे॥ १०॥

याज्ञवल्कीये ११ श्लोकः

निर्णयकार्यमुक्तरूपं स्वयमुक्तं समूलयति। **अर्थीति**। **किमिति**। तत्रेत्यादिः। योग्यतयोपस्थितत्वाच्चाह। **प्रकृतमर्थिन इति**। **तत्सममिति**। प्रकृतधनसममपलापनिमित्तकद-

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१ ख—विषयके। २ प्रत्यभियोगे चान्येति युक्ततरः पाठः। ३ ख ग—तस्योक्त। ४ ख—सन्तीति। ५ 'तथाहेति' मिताक्षरापुस्तके पाठः। ६ ख—वचनमित्यपारमिति परे।

ण्डमित्यर्थः । **जात इतीति । स इति** शेषः । अभियोगादित्यत्र ‘ कर्मणि घञ् ’ इत्याह । **अभियुक्तेति** वहेदित्यस्यार्थः । **दद्यादिति** योग्यतया तदनुषङ्गेणाह । **राज्ञे इति ।** मिथ्योत्तरविषये उक्तन्यायमन्ययोरप्यतिदिशति । **प्राङ्न्याये** इति । तत्प्रकारमाह । **तत्रार्थ्येवेति ।** अस्मिन्नर्थेऽयं पूर्वं पराजित इति प्राङ्न्यायोत्तरे, गृहीतं प्रतिदत्तमिति कारणोत्तरे च दत्ते, पूर्वन्यायं प्रतिदानं च प्रतिज्ञावाद्येवापलपतीति स एव अपलापवादीत्यर्थः । **भावित इति ।** पराजयरूपप्राङ्न्यायस्य प्रतिदानस्य च साधनादङ्गीकारितो वादीत्यर्थः । **दण्डं** दण्डमेव । अन्यस्य देयस्याभावात् । **मिथ्याभियोगीति ।** मिथ्यावादीत्यर्थः । **इतिर्हेतौ ।** मिथ्यावादित्वेनेत्यर्थः । **द्विगुणमिति ।** प्रकृतधनेत्यादिः । **धनं ।** दण्डरूपमवशिष्टं । तुर्योत्तरे तु नैवमतिदेश इत्याह । **संप्रेति दण्डाभावेति ।** निन्हवाभावात् । तदीयं तु देयत्वेनाभ्युपगतमेवेति भावः ।

विशेषमाह । **एतच्चेति ।** निन्हवे भावितो दद्यादित्येतदित्यर्थः । पदान्तराणि द्विविधानि सधनानि अधनानि च । तत्र सधनेष्वाह । **पदान्तेति ।** सधनेष्वित्यर्थः । **तत्र तत्रेति ।** एवं च विशिष्यविधानादेतस्य सामान्यस्य तत्र बाधादप्रवृत्तिरिति भावः । अधनेष्वाह । **अधनेति ।** वाग्दण्डपारुष्यादिव्यवहारेषु प्रकृतधनसमदण्डदानस्य तद्विगुणदानस्य चासम्भवाच्चेत्यर्थः । उपसंहरति । **न सर्वेति ।** अत इत्यादिः । यद्वा एवव्यवच्छेद्यमाह । **न सर्वेति ।** ननूक्तदण्डस्य ऋणादानमात्रविषयत्वमपि न । तत्रापि “ राज्ञाऽधमर्णिक ” इत्यनेन विशिष्य दण्डस्य वक्ष्यमाणत्वात् । अन्यथा तस्य वैयर्थ्यापत्तेः । वचनद्वयप्रामाण्याद्विकल्पाङ्गीकारे तु तद्वत् सर्वविषयताऽपि अस्य स्यादितीदं व्यवस्थापनमयुक्तमत आह । **राज्ञेति ।** तत्प्रकरणात्प्रतिपन्नार्थसाधनविषयमिति । न कोऽपि दोष इत्यर्थः ।

ननु अन्यत्र दण्डस्याभिधानेऽपि द्वैगुण्यस्यानभिहितत्वादुत्तरार्धोक्तस्य विधानं सम्भवतीत्येतत्प्रवृत्तेरावश्यकतया पूर्वार्धस्यानुवादपरतया एकवाक्यतया योजनसम्भवादृणादानमात्रविषयतया व्यवस्थापनमयुक्तमत आह । **एतदेवेति ।** शब्दमर्यादया तथा प्रतीत्यभावादाह । **कथमिति ।** अत एव सामान्यशब्देन व्याचष्टे । **अभियोगस्येति । तत्सममिति ।** व्यवहारतुल्यमित्यर्थः । यत्र यत्र व्यवहारे यो य उक्तः स तत्तुल्यो भवति अन्यस्तु विरुद्धत्वाद्विसदृश इति भावस्तदाह । **तत्र तत्र प्रतीति ।** धनमित्यग्रिमेणास्यान्वयः । **एवः** कुतो लब्ध इत्यत आह । **च शब्द इति ।** मूलवचनस्य इत्यर्थः । अत्र पक्षे पूर्वार्धे एकस्यैव वाक्यार्थस्य सत्वेन वाक्यार्थद्वयाभावेन समुच्चेयाभावात्तदर्थकत्वासम्भवेन निपातानामनेकार्थत्वात् तदर्थकत्वमिति भावः । योग्यतया धनशब्दार्थमाह । **दण्डमिति । इत्यनुवाद इति ।** शङ्खग्राहिकया तत्तद्व्यवहारे दण्डस्य विशिष्य विहितत्वेन प्राप्तत्वाद्विध्यसम्भवेन पूर्वार्धेन तस्य सर्वस्य सामान्येनानुवाद इत्यर्थः । वैयर्थ्यं तु अस्य न । तत्रैवोत्तरार्धेन विशेषस्य विधीयमानत्वादिति भावः । तदेव तथैवाह । **अथेति ।**

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१ ख—तुश्चार्थे व्युत्क्रमे च वादिनश्चेत्यर्थः । तेन तत्संग्रह । २ ख—तस्मिन् । ३ ख—सधनेत्राह । ४ ख—सम्भवाच्च । ५ ख-पौनरुक्त्यापत्तेः । ६ ख—अवस्थापनम् । ७ ख—व्यवस्थापितमुक्तन्यायमन्यत्राप्यतिदिशति । ८ क—यद्वेति । ९ ख—एवं । १० क—तद्व्यवहारे ।

तत्सममित्यस्यानुषङ्गेणानुवादमाह । **प्रतीति** । प्राग्वदाह । **दण्डमिति** । विधेयमाह । **द्विगुणमिति** । द्विगुणदण्डस्याप्राप्तत्वादिति भावः । पूर्ववदाह । **अत्रापीति** ॥ ११ ॥

याज्ञवल्कीये १२ श्लोकः

प्रागुक्तं प्रतिज्ञासाधनं[1] च तच्चेत्यादिना वक्तुमव्यवहितसङ्गत्यभावाद्व्यवहितसङ्गतिमाह । **ततोऽर्थीति** । स्तेयपारुष्ययोर्गवादेश्च द्वन्द्वं कृत्वा पुनः साहसेन समाहारद्वन्द्वः । अत एवार्थमात्रानाह[2] । **साहसमित्यादि** । **विषेति** । बहुव्रीहिः । प्राग्वदाह । **वाग्दण्डेति** । प्रागनुक्तत्वादाह । **वक्ष्येति** । तदभावेऽन्यत्र बाधाभावादाह । **दोग्ध्रीति** । विनिगमनाविरहादाह । **प्राणेति** । प्रागुक्तनिमित्तान्यनिमित्तकोऽत्र प्राणनाशो ग्राह्यः । अत एव सामान्येनाह । **द्वंद्वेकेति** । विनिगमकाभावादाह । **कुलेति** । उभयत्र निमित्ते आह । **चारित्रेति** । विरुद्धभाषणं नार्थ इत्याह । **उत्तरमिति** । प्राग्वदाह । **अर्थीति** । पूर्वान्वयीदं । **स्मृत**[3] इत्यस्यार्थः । **उक्त इति** । अतोऽन्यथेत्यनेन **नारदीयेनोक्त** इत्यर्थः ॥ १२ ॥

याज्ञवल्कीये १३।१४।१५ श्लोकाः

अथाग्निर्मोपयुक्तमाह[4] । **दुष्टेति** । हीनवादिप्रसङ्गात्पूर्वत्रारम्भेऽवतरणे उक्तस्य तन्मात्रस्येत्यर्थः । 'स परिकीर्तित' इत्यन्तेनेति भावः । विशेषजिज्ञासायाः सामान्यज्ञानपूर्वकत्वात्पाठक्रमादार्थक्रमो बलीयानिति न्यायेन व्युत्क्रमेण व्याचष्टे । **मनोवागिति** । 'यद्धि मनसेति' श्रौतक्रमेण मनसः पूर्वनिपातः । सर्वं वाक्यमिति न्यायेनोक्तिसामर्थ्येन चाह । **स्वभावादेवेति** । दोषस्वभावादेवेत्यर्थः । तेनाजन्मस्वभावनिरासस्तद्व्यावर्त्यमाह । **न भयादीति** । आदिना क्रोधादिपरिग्रहः । "भावे क्तिन्" इत्याह । **विकारमिति** । लिङ्गार्थो न विवक्षित इत्याह । **याति गच्छतीति** । गच्छति यातीत्यर्थः । अत एव स इत्युक्तम् । तस्यार्थमाह । **असाविति** । **वा** चार्थे । तथा च श्लोकेऽथवेत्यन्वयेनाथचेत्यर्थो बोध्यः । एकदेशसंग्रहाय तत्तात्पर्यार्थमाह । **न क्वचिदिति** ।

ननु मनोवाक्कायकर्मभिरित्युपदेशादेशान्तरमित्यादिना[5] व्युत्क्रमेण कर्मादिविकारप्रदर्शनमयुक्तं । न च सान्निध्याद्व्युत्क्रमेणैवान्वयोऽभिमतः । एतदर्थमेव तथोक्तमिति वाच्यम् । **तथौष्ठावित्यनेन** कायविकारेण व्यवहितत्वात्तस्यैवान्ते उक्तेः । अत एव व्याख्यात्रा यथावस्थितमेव व्याख्यातमिति चेन्न । तदुद्देशक्रमेणोत्तरोत्तरस्य पूर्वपूर्ववाच्यत्वेनान्त्यस्यात्यन्तस्थूलत्वेन स्थूलतमप्रक्रमेण विकारदर्शने तात्पर्यात् । एवं सति तथौष्ठावित्यस्यापि वैवर्ण्यमेति चेत्यत्रैव[6] वक्तव्यत्वेनान्ते भेदेन तदुक्तिस्तु तद्विकारस्य सार्वत्रिकत्वेन प्राधान्यसूचनार्थेति बोध्यम् ।

पर्यन्तौ प्रान्तौ । योग्यतया आह । **जिव्हेति** । **इतीति** । उभयमित्यर्थः । अत एव समुच्चायकश्चो मूले । एवमग्रेऽपि बोध्यम् । तृतीयश्चः परीति (श्लो० १४) वाक्ये योज्यः । अविनिगमकत्वादाह । **कृष्णेति** । **एतीत्यस्य** व्याख्या गच्छतीति । वाक्यस्य वास्तवशोषणासम्भवादाह । **सगद्गदेति** । अत एव स्खलदित्यन्यथा व्याचष्टे । **व्यत्यस्तमिति** । **पूर्वपरेति** ।

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१ ख—प्रतिज्ञानं च । २ क—अर्थमात्रमाह । ३ ख—स्मृतं इत्यर्थः । ४ ख—अर्थोपयुक्तमाह । ५ ग—रित्युद्देशादेशांतरं । ६ ख—चेत् यदत्रैव ।

इदमुपलक्षणं देशादिविरुद्धस्यापि । असकृदुक्तौ तथात्वनिरासायाह । **बहिति । भाषते** भाषते च । **वाक्चक्षुरिति** समाहारद्वंद्वः । तदर्थमाह । **परोक्षामिति** । पूजाप्रकारभेदमाह । **प्रतिवचनेत्यादि** । अस्य स्वतो विकृतित्वाभावादाह । **विकृतेर्लिंगमिति** । तथा चारोपितं तत्वमिति न प्रागुक्तासङ्गतिः । उक्तहेतोरेवान्ते व्याचष्टे । **तथेति** । वैवर्ण्यादिवदित्यर्थः । अस्य वचनस्य तात्पर्यार्थं प्रतिपादयन् विशेषमाह । **एतच्चेति** । **स्वाभाविकेति** । जन्मस्वभावकृते-त्यर्थः । **विवेकस्य** । भेदस्य । **निमित्तमिति** । बहुव्रीहिः । एवमग्रेऽपि । अत्र हेतुं सूचयन् सदृष्टान्तमिदं विशदयति । **नहीति** । **लिङ्गात्** । यत्किंचिद्विकारात् । **न परेति** । तथा च तत्तत्संभावनामात्रप्रतिपादने तात्पर्यमस्य वचनस्य न प्रागुक्तवक्ष्यमाणदण्डादिप्रतिपादने । तद्रीत्या ईदृशस्थलेऽपि तथाप्रसङ्गोऽन्यथा स्यादिति तन्निवारणतात्पर्यकमिदं वचनम् । एवं च दु[1]ष्टः संभावितदोष एवेत्येवं व्याख्येयमिति बोध्यम् ॥ १३ ॥ १४ ॥ १५ ॥

याज्ञवल्कीये १६ श्लोकः

अत[2] एवाग्रे पुनः प्राग्वदेव सविशेषमुक्तमित्याह । **किं चेति** । साधकस्य सन्देहाभावाद्यथा-श्रुतार्थानुपपत्तेः प्रपन्नस्थले दोषाभावस्य "प्रपन्नं साधयन्नर्थ" मित्यनेन वक्ष्यमाणत्वात्तात्पर्यार्थमाह । **अधम[3]र्णेति । स्वतन्त्र** इत्यस्य व्याख्या । **साधनेति** । लेख्यादीत्यर्थः । अतएव तत्र उपायमाह । **आसेधादीति** । आद्यपादोक्तं प्रासङ्गिकं नतु प्रकृतसंगतमिति सूचयितुं भवतीति शेषेण भेदेन व्याख्यायाग्रिमं द्वयं प्रकृतसङ्गतं सह व्याचष्टे । **यश्चेत्यादि** । अप्रतिपन्नादौ दोषाभावादाह । **संप्रतीति** । अर्थमिति शेषः । उभयत्र लिङ्गार्थविवक्षया आह । **पलायते इति** । एवमग्रेऽपि । अभियोगं विना आह्वानासंभवादाह । **अभियुक्त इति** । अन्यत्र दोषाभावादाह । **सदसीति** । तुर्यपादस्य सर्वत्र सम्बन्ध इत्याह । **सो[4]ऽपीति** । द्विविधोऽपीत्यर्थः । **अपिना** आद्यः । अत एवाह । **स्मृत इति** । उभयत्रेति भावः । **सम्बध्यते इति** । एते त्रयो न केवलं दुष्टा, अपि तु प्रकृतार्थादपि हीना, दण्ड्याश्चेति समुदायार्थः ।

इदमेव आद्यानुरोधेनाग्रेऽपि उभयोक्तिस्वारस्येन विशदयति । **अभीति** । य[5]दि हीनत्वमुक्तदुष्टरूपं भवेत्तर्हि तदनुवृत्त्यैव सिद्धे हीनपदोक्तिरनर्थिकाऽतस्तद्वदर्थाद्धीनत्वपरिज्ञानेत्यर्थः । **मात्रेत्यनेन** दण्डव्यवच्छेदः । एवेन दुष्टत्वव्यवच्छेदः । तथाच संभवत्यैकरूप्ये वैरूप्यस्या-न्याय्यत्वात् तदुत्तरमस्य कथनेन दुष्टस्यापि अनुषङ्गात्तस्यापि समुच्चयो बोध्यः ॥ १६ ॥

याज्ञवल्कीये १७ श्लोकः

उत्तरसङ्गतिं व्यवहितेन कथयन् तदवतरणमाह । **अथेति** । द्वितीयः प्रत्यर्थीति [6]भ्रमनिरा-सायाह । **भाषेति** । तयोर्युगपत्संभवमुपपादयति । **तथेत्यादि प्राप्ताविल्यन्तेन । देशान्तर-**

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१ ग—दुष्ट इति । २ ग—क्वचिन्न दुष्टमात्रमपि तु हीनत्वाद्यपीत्याह । ३ ग—अधनेति । ४ ख—सोऽपीत्यादि सम्बध्यते इत्यन्तेन आद्येस्मृत इत्यस्यानुक्तिस्तु निष्फलत्वसूचनाय तं विनापि निर्वाहात् । ५ ग—यदिहीन इति मात्रमुच्यते तर्हि पूर्ववद्धीनत्वं संभावनामात्रं स्यात्सामाभूदित्यर्थः । **मात्रपदेन** वास्तवद्धीनत्वव्यवच्छेदः । ६ ग—भ्रंमनि (मि ?) त्तेन ।

मिति । **कार्यवशात्सकुटुंब** इत्यादिः । **युगपदिति** । दैववशात् । **धर्मेति** । धर्मस्थानमित्यर्थः । **तत्र** । तयोर्मध्ये । **क्रिया** । साधनम् ।

"षष्ठ्यन्तात्सार्वविभक्तिकस्तसि"रित्याह । **उभयोरिति** । **सत्सु** इत्यस्य व्याख्या **संभवेत्विति** । सामानाधिकरण्यभ्रमनिरासाय प्रतीकपूर्वकं पूर्ववादिन इत्यस्यार्थान्तरं निराकुर्वन् व्याचष्टे । **साक्षिण** इति । **न पुनरिति** । तावताऽपि निर्णयासंभवादिति भावः । योग्यं शेषमाह । **प्रष्टव्या** इति । उत्तरार्धार्थमाह । **यदात्विति** । **अन्यः** । उक्तपूर्ववादिभिन्नः । **अनेन** । ब्राह्मणेन । **असाध्येति** । अनेनोत्तरेणाङ्गीकृत्य निराकृतत्वादिति भावः । अनुषङ्गादिनाऽऽह । **साक्षीति** । जीर्णोक्तव्याख्यानान्तरं खण्डयितुमुत्कर्षयति । **इदमेवेति** । यत्र द्वावपि भाषावादिनौ तद्विषयतया स्वयं कृतमित्यर्थः । यत्तु उत्तरवशादेवार्थिप्रत्यर्थिभेदेनावेदनक्रमेण पूर्ववादिन उत्तरवादिनश्च साक्षिणः प्रष्टव्या इत्यस्यार्थ इति कश्चित् तत् खण्डयति । **मिथ्योत्तरे** इति । मिथ्याक्रिया पूर्ववादे इति प्रागुक्तत्वात् । **कारणोक्तौ त्विति** । तत्रार्थादेव पूर्वपक्षनिरासः संपन्न इत्याह । **पूर्वेति** । **प्रतिज्ञातार्थेति** । अर्थ्यत इत्यर्थः साध्यं, स यस्यास्तीत्यर्थी साध्यवान् । एवं च मिथ्योत्तरे पूर्ववादी साध्यवान्, कारणप्राङ्न्याययोस्तु उत्तरवाद्येव साध्यवानिति । यस्य साध्यवत्ता तस्यैव साधनोपन्यास इत्यभिप्रायकार्थस्य प्राक् तत्रैवोक्तत्वादिति भावः । अत्र विरोधमपि सूचयन् ऋष्यन्तरसंवादोऽपि पूर्वव्याख्याने इत्याह । **पूर्वेति** । एवेन द्वितीयव्यवच्छेदः । **स्पष्टीकृतं** । स्पष्टीकृतं च । **मिथ्या** । मिथ्योत्तरे । **प्राङ्न्यायेति** । पूर्वन्यायकरणनिश्चयेत्वित्यर्थः । **जयपत्रं** । तत्प्रदर्शनम् । तथा च प्रतिवादिन्येव क्रियेति भावः । शुद्धप्राङ्न्यायविषयमिदमिति स्पष्टमेव । **अर्थे** । एकार्थविषये । **पूर्वपक्ष इति** । पूर्वत्रकाले प्रतिगृहीतमुपभुक्तं चेतीत्यर्थः । उक्तपूर्वपक्षो निरस्तो येन भवेदिति तदप्यर्थः । अत एव न न्यूनता प्रकृतैकवाक्यता च । अत्रार्थे विवदतोरित्यनेन स्पष्टमेवेदमुक्तम् । साधकान्तरमप्युक्तार्थे ध्वनयन्नत एवाह । **एतस्य चेति** । **पूर्वेति** । प्रागुक्तार्थिप्रत्यर्थिविषयकेत्यर्थः । सर्वेत्यपपाठ इति केचित् । **सर्वेति** पाठे प्रागुक्तसर्वेत्यर्थः ॥ १७ ॥

याज्ञवल्कीये १८ श्लोकः

व्यवहारेऽपरमपि विशेषं मूलकृदाह । **अपि चेति** । चेदर्थमाह । **यदीति** । विवादो न प्रसिद्ध इत्याह । **व्यवेति** । पारिभाषिकपणग्रहणे न्यूनतापत्तेराह । **पणनमिति** । व्यवहरणमित्यर्थः । स्वोक्तिसत्यतासूचनाय यथासम्भवद्रव्यदानाङ्गीकरणमिति यावत् । **तत्रे**त्यस्य व्याख्या **तस्मिन्सेति** । वक्ष्यमाणस्य विशेषविषयत्वादाह । **पूर्वोक्तमिति** । प्रकृतार्थसममिति । निह्नवे भावित इत्यत्रोक्तमित्यर्थः । सपणमित्यपपाठसूचनाय स्वपणमित्यस्यार्थः **स्वकृतं पणमिति** । अत एव योग्यतया शेषमाह । **राज्ञे** इति । प्राड्विवाकादिरिति शेषः । न्यूनाधिकत्वनिरासा-

१ ख—सम्भवेपि । ग—संभेति । २ क—पाठः । ३ क—एतेन । ४ ख—व्यवहारणम् ।

याह । **विवादेति** । **राजे**[1]त्युपलक्षणमन्यस्यापि । इदमुभयकृतसमपणविषयकमेवेति भ्रमो न कार्यः । तत्रैव गमकाभावात् । किन्त्वन्यतरकृतो विषमश्चोभयकृतस्तद्विषयकमपीति । अनेन स्वपदघटितेन सूचितमेव विशेषमाह । **यत्र पुनरित्यादि दाप्य इत्यन्तेन** । **पुन**स्त्वर्थे । **तत्रापीति** । निमित्तसत्वादप्रवृत्तौ मानाभावाच्चेति भावः । **दंडं** । दंडमेव । अत एवाह । **न पणमिति** । तत्र स्वपणस्यैवाभावादिति भावस्तदाह । **सपणं**[2] **चेतीति** । **परेति** । अन्यतरस्येति भावः । एवेनान्यकृतव्यवच्छेदः दण्डस्तु वर्ततएवेति भावः । चेत्स्यादिति सूचितं विशेषान्तरमाह । **सपण इति** ॥ १८ ॥

याज्ञवल्कीये १९ श्लोकः

व्यवहारे विशेषान्तरमाह मूलकृत् । **किं चेति** । न प्रसिद्धमत्र तदित्याह । **प्रमादेति** । **भूतार्थो वस्त्विति** । **नयेदिति** । कार्यः । **अन्त**मिति शेषः । क्वचित्तथा पाठ **एव** । तस्यावश्यकत्वमुत्तरार्धेन हेतुपरेण सशेषपूरणेन प्रतिपादयति । **यस्मादिति** । **अनभिहितमिति** । अर्थिप्रत्यर्थ्यन्यतरेणेति शेषः । 'हीयमानपापयोगाच्चे'ति [3]करणतृतीयान्तात्तसिरित्याह । **व्यवहारेणेति** । [4]अस्यार्थं पूरयति । **साक्ष्यादिभिरिति** । तथा च साक्ष्यादिभिः क्रियमाणेन व्यवहारेण तद्धीयते इत्यर्थः । एतेन भूतमपि वस्तुतत्वमपि साक्ष्यादिभिरनुपन्यस्तं सद्व्यवहारतो हीयते इत्यन्वय इति व्याख्यानमपास्तम् । भ्रममूलकत्वात् । साकाङ्क्षत्वादाह । **तस्मादिति** । अस्य तात्पर्यार्थमाह । **यथेति** । तत्फलमाह । **तथेति** । **निर्णय इति** । यथार्थनिर्णय इत्यर्थः ।

अनेन सूचितं पक्षान्तरमाह । **अथेति** । पूर्वोक्तस्य मुख्यत्वादाह । **इत्यनुकल्प** इति । स्पष्टमस्ये[5]तोऽप्रतीतेरत्र मानं **नारदमाह** । **यथोक्तमिति** । **भूतेति** । [6]भूतच्छले अनुसरति तच्छीलस्तत्वात् द्विप्रकार इत्यर्थः । "**संयुक्तं प्रेति**" । "**युक्तं यत्प्रेति**[7]" पाठान्तरं अत्रानुक्तं प्रागुक्त्यनुरोधेनाह । **तत्रेति** । नन्वस्यापि मुख्यत्वं कुतो नात आह । **साक्षीति** । **व्यभिचारेति** । अयथार्थवादित्वस्यापीत्यर्थः ॥ १९ ॥

याज्ञवल्कीये २० श्लोकः

तावन्मात्रस्यो[8]दाहरणत्वात् पादत्रयस्यैकं सशेषमर्थमाह । **नैकमिति** । नशब्देन समासः । अत एवाह **अनेकमिति** । "**लिखित**" मित्यस्य व्याख्या **अभियुक्तमिति** । प्रतिज्ञाकालेऽर्थिनाऽभियोगत्वेनाभिहितमित्यर्थः । "**निन्हुते**" इत्यत्र कर्मत्वेनान्वयोऽस्य । अग्रे सर्वपदोक्तेः सामान्येनोक्तेश्च स्वारस्यादाह । **सर्वमेवेति** । एकदेशेति सुप्सुपेति सप्तमीसमास इत्याह । **एकदेशे इति** । पूर्वोक्तार्थैकदेशहिरण्यविषये इत्यर्थः । सुवर्णस्याङ्गीकृतत्वादाह । **रजताद्यर्थमिति** । अनतिप्रसंगायाह । **पूर्वेति** । तुर्यपादार्थं सप्रतीकमाह । **न ग्राह्य इति** । निष्ठालब्धं पूर्वमित्यस्यार्थो **भाषेति** । तच्छ्रवणस्य दुष्परिहरत्वादाह । **न दापयितव्य इति** । एवमंशद्वयेन प्रतिज्ञाकालेऽभिहित एवार्थो व्यवहारतः प्राप्य इत्यन्वयो[9]ऽनभिहितो न प्राप्य इति

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१ क—ख—राज्ञे । २ ख—सपण । ३ ग—करण चेति । ४ ख—अत्र साधनं पूरयति । ग—अस्यार्थः । ५ ख—स्यातो । ६ ख—भूतच्छलैः । ७ ख—यस्येति । क—यदिति । ८ ग—स्यैवोदाहरण । ९ ख—नाभिहितो ।

व्यतिरेकश्च दर्शितो, यतोऽतोऽन्वयव्यतिरेकाभ्यां भूतमप्यनुपन्यस्तं हीयते इत्येतत् दृढीकृतमिति तदुदाहरणत्वमस्येत्यर्थः ।

विशेषमाह । **एतच्चेति** । किं तु युक्तिसिद्धमपीति भावः । पर्यवसितमाह । **एवमिति** । उक्तप्रकारेणेत्यर्थः । **तर्कापरेति** । प्रत्ययो ज्ञानम् । तर्कज्ञानस्य नामान्तरं संभावनेति[1] । एवं च तर्कापरनामिका या संभावना,[2] सैव यः प्रत्ययो ज्ञानं, तत्सहकृतान्निह्नुते इति **योगिश्वर-**वचनादित्यर्थः । एतदुक्तिफलमाह । **एवं चेति** । अस्य तदनुगृहीतत्वे चेत्यर्थः । **तर्केति** । तयोरन्वित्यर्थः ।

अत्र मानमाह । **तथा चेति** । उपसंहरतीत्यत्रान्वयः । **न्यायार्थीति** । न्यायज्ञाने तर्क उपायस्तेन तर्केण न्यायमभ्युह्य निश्चित्य । ऊहते रूपम् । यस्मिन्विषये न्यायो योजनीयस्त-त्स्थानं गमयेदित्यर्थः । यद्वा यथास्थानं न्यूनातिरेकरहितं यथा तथा गमयेदित्यर्थः । एवं सति तर्केणैव सिद्धे मूलवचनवैयर्थ्यं परिहर्तुं शङ्कते । **न चैकेति** । यथा भाषासमयेऽनिवेद्यं[3] पश्चाद्[4]अभिधीयमानोऽर्थो नादर्तव्यस्तथा एकदेशविभावितः सन्नपि प्रत्यर्थी नादर्तव्य इति ताव-तोऽपि[5] न दाप्य इत्येव पादत्रयार्थोऽस्तु किमिति सर्वं दाप्य इत्यर्थ इति भावः । **एकदेशेति** । यत्र वचनं नास्ति तत्र तद्दृष्टान्तमूलस्तथैव तर्कः स्यादत्र तु वचनसत्वात्तथा तर्कासंभवेनैवमेव तर्कसंभवेन तदर्थतया वचनं सफलम् इति भावः ।

एवं निश्चितेऽर्थे प्रसक्तविरोधं परिहरति । **यत्त्विति** । **योगेऽपीति** । तेषां मध्ये इति शेषः । साक्षिभिरित्यस्य मध्यमणिन्यायेनान्वयः संभवात् । उपलक्षणं चैतदन्यस्यापि । **एवेना-**धिकांशव्यवच्छेदः । **असौ** । धनी । **पित्रेति** । तत्कृतेत्यर्थः । अत्र हेतुमाह । **तत्र हीति** । **न भवतीति** । ऋणस्यान्यकृतत्वेनाज्ञानस्यापि तत्र संभवेनापलापाभावादिति भावः । **इतिः** हेतौ । **क्वचित्** क्वापि । अज्ञानसम्भवात् । तदेवाह । **निन्हवेति** । अत एव संशयाभावादाह । **अपेक्षितेति** । वचनं तु इदं कर्तृसामान्यविषयमुक्त**कात्यायन**वचनं तु विशेषशास्त्रस्य निह्नुते इत्यस्य विषयम् । निह्नवोत्तरं ज्ञात्वाऽपलापो **निन्हव**स्तद्रूपमुत्तरं परिहृत्य परित्य-ज्याज्ञानोत्तरे ज्ञानाभावेनोत्तरे प्रवर्तते इत्यर्थः । तथा च सामान्यविशेषशास्त्रयोरनयोरुत्सर्गाप-वादव्यवस्थेति भावः ।

विरोधांतरं परिहरति । **नन्विति** । **ऋणादिषु** । ऋणादानादिषु । **स्थिरेति** । लिंगदर्शनमात्रे-णादृढहेतुनाऽपि स्त्रीसंग्रहणादिरूपसाध्यस्य सिद्धिर्भवतीति तादृशानामस्थिरत्वम्, ऋणादाना-दिरूपस्य साध्यस्य तु दृढसाधनेनैव सिद्धेस्तेषां स्थिरत्वं, तदपि[6] नाकाशवदिति स्थिरप्रायत्व-मित्यर्थः । **निश्चितमिति** । क्रियाविशेषणम् । योगे सतीति शेषः । **साक्षीति** । तेषां मध्ये इत्यादिः । **एकेति** । ऊने इत्यर्थः । प्रोक्ते इत्यस्यार्थो **भाविते इति** । **अधिके इति** । उक्त-सर्वापेक्षेत्यादिः । सामान्योक्त्या[7] साध्यमित्यस्य साध्यत्वावच्छिन्नमित्यर्थस्तत्फलितमाह । **सर्वमे-**

१ ख—सद्भावनाज्ञानमिति । २ ख—नामको यः सद्भावप्रत्ययः । ३ ग—वेदित्वः । ४ क—दधीय-मानो । ५ ग—तावदपि । ६ ख—तथाचेद्दृशस्थिरप्रायत्वं । नाकाशवदिति भावः । ७ क—सामान्योक्तं ।

वेति। **तथा सति** । सर्वसाध्यासिद्धत्वे सति । **सिद्धिः** । मूलतात्पर्यविषयीभूता । **अभाविते-कदेशेति** । एकदेशान्तरेत्यर्थः । **लिखितेति** । सुवर्णादित्रयं गृहीतमित्यभियोगे कृते न मया गृहीतं मिथ्यैतदिति निन्हवे कृते सर्ववस्तुग्रहणसाधनतया कथितैः साक्षिभिः सुवर्णाद्यन्यत-तमग्रहणे सुवर्णादि धान्यं च गृहीतमित्यधिकवस्तुग्रहणे वा निर्दिष्टे सर्वमपि साध्यं न सिध्य-तीत्येतत्परं **कात्यायन**वचनम् । निन्हुते इति वचनन्तु उक्तरीत्याऽभियोगे निन्हवे च कृते सुवर्णग्रहणसाक्षिणः संतीत्युक्ते तैस्तावन्मात्रेऽपि साक्षिभिः साधिते प्रत्यर्थी सर्वं दाप्यः । पूर्वोक्तमित्येतत्परमिति न विरोधो मिथ इति भावः । **तस्य कात्यायनवचनस्य** । नन्वेवं तादृशे किं व्यवहारो नैवात आह । **तत्रापीति** । तदुक्तस्थलेऽपीत्यर्थः । **नियमादिति** । 'आ-रब्धस्यान्तगमन' मिति न्यायेन प्राप्तस्य तस्य विधानेन नियामकत्वं तस्येति भावः । स्थिर-प्रायेष्वित्यस्य प्रत्युदाहरणमाह । **साहसादौत्विति** । **उद्दिष्टैः** । कथितैः । उपदिष्टैरिति पाठान्तरं । एवं साधिते ऋष्यन्तरसंवादमप्याह । **कात्यायनेति** । तदेव वचनमाह । **साध्यार्थांशेऽपीति** । स्त्रीसंग्रहादिके विवादपदत्रये भाषावादिना येदर्थरूपं[2] साध्यत्वेन कथितं तत्तत्रानेकैसाध्यसा-[3]धनतयाऽभिहितैः[1] साक्षिभिः साध्यार्थजातस्यैकदेशेऽपि साधिते **सकलं भवेत्** सिध्येदित्यर्थः । तथाचोक्तव्यवस्था निर्व्यूढेति सिद्धम् ॥ २० ॥

याज्ञवल्कीये २१ श्लोकः

वक्ष्यमाणश्लोकस्य तदाक्षेपनिवारकत्वमिति तमाक्षिपति । **नन्विति** । **तत्र** । तथा सति । **अप्रा-माण्यं** । तदेव । एवव्यवच्छेद्यमेवाह । **विषयेति** । **परस्परतः** परस्परम् । **परीति** । अविरोधे संभवति विरोधो न न्याय्य इति भावः । आदिना विकल्पपरिग्रहः । अत एव 'अग्नि-मादिना तुल्यार्थोऽस्त्वि'ति न्यायस्य 'सविषयनिर्विषययोर्निर्विषयं बलवदि'त्यस्य च परिग्रहः । **उत्सर्गेति** । 'सामान्यस्य विशेषो बाधक' इत्येवं सामान्यापवादलक्षणो न्यायस्तन्त्रान्तरे प्रसिद्ध इत्यर्थः । 'पञ्चम्यन्तात्सार्वविभक्तिकस्तसि' रित्याह (व्या.सू. ५-३-७) । **व्यवहारादिति** । प्रकृतव्यवहारभ्रमनिरासाय तदर्थमाह । **वृद्धेति** । तत्स्वरूपमाह । **अन्वयेति** । एतौ च साफ-ल्यासाफल्याभ्यामुपपाद्यौ । समाधितात्पर्यार्थमाह । **अतश्चेति** । **एवे**नाप्रामाण्यव्यवच्छेदः । नेदं प्रकृतमात्रै[5]विषयमपि तु सार्वत्रिकमित्याह । **एवमिति** । **आदिना** प्रबलप्रमाणविरोधेऽर्थवादत्व-माश्रित्य यथोचितन्यायानुसारेण योज्यमिति परिगृह्यते ।

एवम् । उक्तप्रकारस्य । **धर्मशास्त्रेति** । एकविषययोर्विरुद्धार्थयोर्हि स्मृत्योर्मिथो विरोधो न तु भिन्नविषययोरविरुद्धार्थयोर्वा । सति च विरोधे प्रबलदुर्बलभावचिन्ता । एवं च पूर्वमेव धर्म-शास्त्रानुसारेणैव व्यवहारदर्शनस्य विहितत्वादौशनसादिनीतिशास्त्रस्य न व्यवहारविषये प्रवृत्तिरत एकविषयत्वाभावादर्थशास्त्रधर्मशास्त्रयोः सुतरां विरोधाभावादनयोः प्रबलदुर्बलभावचिन्तनमेव तावदयुक्तमिति शङ्काशयः । नात्रौशनसाद्यर्थशास्त्रधर्मशास्त्रयोस्तच्चिंताऽपि तु धर्मशास्त्रान्तर्गतयोरेव

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१ ग—साधनताया । २ क—यदेकार्थरूपं । ख—यदनेकार्थं । ३ ख—सकलसाध्य । ४ ख—साध्यार्थस्य । ५ ग—पात्र ।

तयो[1]स्तच्चिन्तेति एकविषयतया विरोधसंभवात्तच्चिन्तनं युक्तमित्युत्तराशयः। अर्थार्थमाह। **अर्थेति**। अत एवाह। **स्मृत्योरिति**। स्थितिरित्यस्य व्याख्या **मर्यादेति**। **यद्यपीति**। ईदृशार्थशास्त्रधर्मशास्त्रयोर्मन्वादिरूपैककर्तृनिष्पन्नत्वेन वचनस्वरूपगतविशेषाभावादनयोरपि न तच्चिन्तनं युक्तमिति भावः। **प्रमेयस्येति**। न तद्विशेषात्तच्चिन्ताऽपि तु धर्मशास्त्रप्रमेयस्य षड्विधस्यापि धर्मस्य मुख्यतया प्रधानत्वादर्थशास्त्रप्रमेयस्यार्थस्य नीतिलक्षणस्यामुख्यतयोपसर्जनत्वात्प्रमेयगतविशेषसंभवात्तच्चिन्ता युक्तैवेति भावः। हेत्वसिद्धिं परिहरति। **धर्मस्य चेति**। **शास्त्रादौ**। आचाराध्यायस्यादौ। वचनार्थमुपसंहरति **तस्मादिति**।

उदाहरणाभावप्रयुक्तं तच्चिन्तनवैफल्यं परिहर्तुं शङ्कते। **किमत्रोदाहरणमिति**। अन्योक्तमुदाहरणमनूद्य खण्डयति। **न तावदित्यादि युक्तमित्यन्तेन**। अत्र इति न तावदादौ उदाहरणं युक्तमिति व्यवहितेनान्वयः। अदोषत्वे हेतुमाह। **प्रच्छन्नमिति**। यतो मन्युरेव प्रकाशमप्रकाशं वा तं मन्युं हिनस्तीत्यर्थः। तथा च मन्योरेव कर्तृत्वादिना हन्तृ[3]त्वादिति न दोष इति भावः। अत एव ' मन्युरकार्षीदि'ति श्रुतिः सङ्गच्छते। **मनु**मुक्त्वा स्मृत्यन्तरमाह। **तथेति**। वेदान्तगमपीत्यर्थः। अपि वेदान्तपारगमिति पाठान्तरम्। **तेन**। तादृशब्राह्मणवधेन। **मनु**मेवाह। **इयमिति**। अकामतो द्विजं हिंसित्वा स्थितस्येयं पूर्वतना विशुद्धिः कथितेत्यर्थः। तत्र अनुदा[4]हरणत्वे हेतुमाह। **अनयोरिति** यत इत्यादिः। "गुरुं वा" इत्यादेरर्थवादत्वेन स्वार्थे प्रामाण्याभावादेकविषयत्वाभावेन विरोधाभावात्तच्चिन्ताया असम्भवेन नोदाहरणत्वमित्यर्थः।

तदेवाह। **तथाहीत्यादि**। **शास्त्रमिति**। **मनू**क्तिरेवेयम्। इत्युक्ता[5]मिति पाठे इतः पूर्वमिति शेषः। इत्युक्त्वेति पाठे तु न शेषोपयोगः। **उपक्रम्येति**—" द्विजातीनां च वर्णानां विप्लवे कालकारिते " इति मध्ये उक्तम्। **इति** इत्यनेन। अस्य व्याख्यानमाह। **आत्मरक्षणे इति**। बहुवचनादाद्यर्थलाभ इत्याह। **दक्षिणादीनामिति**। अत एव सामान्येनार्थमाह। **यज्ञोपेति**। " परित्राणे " इत्यस्य मध्यमणिन्यायेन अन्वय इत्याह। **रक्षणे इति** "संगरे" इत्यस्यार्थमाह। **युद्धे चेति** तस्याग्रेऽन्वयो सूचितः। एवं प्रागपि स्त्रीविप्रेत्याद्यर्थमाह। **स्त्रीति**। **धर्मेणेत्य**स्यार्थः। **अकूटेति**। न दुष्यतीत्यस्य न पापाभावपरत्वमित्याह। **न दण्डेति**। **इतीति**। इत्यर्थकमुक्त्वेत्यर्थः। ई[6]ममर्थमेवाह। **गुरुमिति**। तस्यार्थवादत्वप्रकारमेवाह। **गुर्वादीनिति**। तथा च कैमुतिकन्यायेन गुर्वादिभिन्नानामीदृशस्थले हननं प्रशस्तमिति स्तूयते। अतः स्तावकत्वेनार्थवादकत्वमिति भावः। नन्वेतद्गुर्वादिहननविधा[7]यकमेवास्तु तदसंभवे एव तत्त्वाङ्गीकारात् अत एवाह। **वा शब्देति**। स्मृत्यन्तरेऽप्येवमित्याह। **अपि वेदान्तगमिति**। अयं भावः। यथा लोकेऽत्र पिशाचोऽस्तीत्युक्ते पिशाचो वा भवतु राक्षसो वा भवतु भूतमपि भवतु प्रेतोऽपि भवत्वित्युत्तरे प्रौढिप्रतिपादने तात्पर्यं, तथाऽत्रापि वाशब्दापिशब्दयोः प्रौढिप्रकर्षे तात्पर्यमिति तद्विशिष्टवाक्यजातस्य गुर्वादिहनने न तात्पर्यम्; तथा वेदेऽपि "वायुर्वै क्षेपिष्ठा देवते"ति, "प्रतितिष्ठन्ति ह वा यएताः,"

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१ ख—ग—गतयोरेवानयो। २ ग—कृत। ३ ख—हेत्वादेरिति। ४ ग—इंत्रादेरिति। ५ ख—शास्त्रमिति। ६ ख—ग—इदमर्थं। ७ ख—विषायकमेव।

"तस्मादपि वध्यं प्रपन्नं न", इत्यादौ वैशब्दवाशब्दापिशब्दादीनां विधिशक्तिप्रतिबन्धकत्वस्य दर्शनात्प्रकृतेऽपि वाऽपिशब्दाभ्यां तद्विधिशक्तेः प्रतिबद्धकत्वान्न गुर्वादिहननविधिः । वस्तुतस्तु अपि वेदान्तगमित्यादौ संभावनाविषयतया क्रियागतमौचित्यमपि द्योत्यम् । संभावितौचित्यस्य चानुष्ठानमयुक्तमिति स्वार्थे तात्पर्याभावः । स्पष्टं चेदं **मंजूषायामिति** बोध्यम् । अतश्च गुर्वादिविषये एकत्र गुरुं वेत्यादिवचनजातेन हननविधेस्तन्निमित्तप्रायश्चित्तविधेरियं विशुद्धिरित्यनेनाप्राप्तत्वादनयोरेकविषयत्वाभावान्मिथो विरोधाभावात्कथं तदुदाहरणमिति ।

वचनसिद्धोऽप्ययमर्थ इत्याह । **नाततायीति आचार्यं चेति च** । आभ्यां हि ब्राह्मणाचार्यादिभिन्नानामेवाततायिनां वधे दोषाभावप्रतिपादनादाततायिनामपि गुर्वादीनां न वध्यत्वमिति भावः । ननु "आचार्यं चे"ति **मनु**वाक्ये आचार्याद्युपादानं प्रदर्शनमात्रतात्पर्यकम् । तथा च हिंसामात्रनिषेधे तात्पर्यादस्य वचनस्य नाततायिनामाचार्यादीनां विधिनिषेधपरत्वं येन गुरुमित्यस्यैतद्वचनविरोधः स्यादत आह । **आचार्यादीनामिति** । **हिंसेति** । विशेषेण हिंसानिषेधेनेत्यर्थः । अन्यथा तेषामुपादानमफलमेव स्यादिति भावः । **इदम्** । आचार्यं चेत्येतत् । **हिंसेति** । हिंसामात्रनिषेधस्येत्यर्थः । तत्सामान्यनिषेधस्येति यावत् । **सामान्येति** । न हिंस्यादित्यादिवचनेनैवेत्यर्थः । तथा च तत्सामान्यनिषेधस्य सामान्यवचनेनैव सिद्धत्वादस्मिन्वचने आचार्याद्युक्तेः स्वार्थाविवक्षाकारणाभावाद्धिंसाविशेषनिषेधेनैवैतद्वचनं सफलम् । सामान्यनिषेधपरत्वे तु वचनान्तरेणैव तन्निषेधस्य प्राप्तत्वात्पुनरुक्तेर्निष्फलत्वं स्यात् इति भावः ।

नन्वेवमाचार्यं चेत्यनेनाततायिनामप्याचार्यादीनां हिंसानिषेधप्रतिपादनान्नाततायिवधे दोष इत्यनेन तु आततायिहिंसाया दोषाभावप्रतिपादनेन तेषां वध्यत्वप्रतीतेरनयोर्वचनयोर्मिथो विरोधापत्तिरेवात आह । **नाततायीति** । तथा च भिन्नविषयत्वेनाविरोध इति भावः । तदन्यविषयत्वमेव द्रढयन् तत्र हेतुमाह । **यत इति** । सामान्येनाततायिनो दर्शिता इत्यत्रान्वयः । **मात्स्ये** तु अधिका अपि **आततायिन** उक्ताः—

*"गुरुं वा तापसं वाऽपि ब्राह्मणं वा बहुश्रुतम् ।
आततायिनमायान्तं हन्यादेवाविचारयन् ॥
नाततायिवधे दोषो हन्तुर्भवति कश्चन ।
प्रकाशं वाऽप्रकाशं वा मन्युस्तं मन्युमृच्छति ॥
गृहक्षेत्राभिहन्तारस्तथा पत्न्यभिगामिनः[२] ।
अग्निदो गरदश्चैव तथैवाभ्युद्यतायुधः ॥
अभिचाराणि कुर्वाणो राजगामि च पैशुनम् ।
एते हि कथिता लोके धर्मज्ञैराततायिनः ॥" इति

स्मृत्यन्तरमाह । **तथेति** । असिविषाग्नीनां द्वन्द्वं कृत्वोद्यतशब्देन बहुव्रीहिः । "शापोद्यते"त्यत्र बहुव्रीहिद्वयम् । आद्ये आहिताग्न्यादित्वात्परनिपातः । **आथर्वणेन** तद्वेदप्रतिपादिताभि-

१ ख—मथाचार्यादीनां । * एतदवतरणं । ख पुस्तकेऽनुपलभ्यं । २ ग—पत्न्याभिगामिनः ।

चारिककर्मणा । **पिशुनः** सूचकः । **दर्शिता इति** । अत्र सामान्येनैवाततायिनां प्रदर्शनात्तत्रापि नाततायीति सामान्यपदेनैवोल्लेखान्नाततायीत्यादि सामान्यशास्त्रम् आचार्यं चेत्यादिविशेषशास्त्रस्य विषयं ब्राह्मणादिकं परिहृत्यान्यत्र प्रवर्तते इति भावः ।

ननु एवं सिद्धे आततायिनां ब्राह्मणादीनामवध्यत्वे सति प्रमादाद्यदि तेषां हननं स्यात्तदा तस्य प्रामादि[1]कत्वात्किं हन्तुर्दोषाभाव एवेतिचेन्नेत्याह । **अतश्चेति** । **यदि विपद्येरन्** मृत्युं प्राप्नुयुः । **तस्मात्** तदुदाहरणासंभवात् । स्वाभिमतमुदाहरणमाह । **तदुच्यते इति** । **हिरण्येति** । अभ्यर्हितत्वात्पूर्वनिपातः । प्रागुक्तमौलमाह । **धर्मशास्त्रेति** । **चतुष्पादिति** । तस्य तत्वं च प्रागेव प्रतिपादितम् । **विषयेति** । न भवतीत्यर्थः । अत्र मानमाह । **अत एवेति** यतो धर्मशास्त्रं प्रबलमस्मादेव हेतोरित्यर्थः । दर्शितमित्यत्रान्वयः । **धर्मेति** । धर्मार्थयोः सन्निपाते एकत्र तच्छास्त्रयोः प्रसङ्गेऽर्थशास्त्रग्राहिण इत्यर्थः । अन्यथा तदसंगतिः स्पष्टैवेति भावः । गुरुत्वमेव दर्शयति । **एतदिति** । **इति** इत्यनेन पूर्वं तस्यैव प्रक्रान्तत्वादिति भावः ॥ २१ ॥

याज्ञवल्कीये २२ श्लोकः

अव्यवहितेन सङ्गत्यभावाद्व्यवहितेन सङ्गतिमाह । **ततोऽर्थीति** । **अपेक्षितः** आकाङ्क्षितः । प्रमितिव्यवच्छेदाय साधनपरत्वाय चाह । **प्रमीयते इति** । साक्षात्प्रमाजनकत्वाभावात् । दाप्यः सर्वमिति विषये वस्तुनोऽन्यथात्वे परम्परयाऽपि तदभावादाह । **परीति** । भ्रमप्रमासाधारणनिश्चयः **परिच्छेदः** । कीर्तितमित्यत्र शेषमाह । **महर्षिभिरिति** । पूर्वोत्तरतदुक्त्यनुरोधेनात्रानुक्तमप्याह । **तत्रेति** । तेषां त्रयाणां मध्ये इत्यर्थः । **उक्तेति** । पूर्वाध्यायान्ते–"दत्वा भूमिं निबन्धं वा कृत्वा लेख्यं तु कारयेत्" (श्लो० ३१८) इत्यादिना इति भावः । **वक्ष्यमाणेति** अत्रैवाध्याये लेख्यप्रकरणे (प्र० ६ श्लो० ८४) "यःकश्चिदि" त्यादिना इति भावः । भोजनस्य साधनस्य च व्यवच्छेदायाह । **उपभोग इति** । **वक्ष्यमाणस्वरूपेति** । स्वरूपं च प्रकारश्च तौ वक्ष्यमाणौ स्वरूपप्रकारौ येषामित्यर्थः । तत्र प्रकारो भेदः दृष्टसाक्षिणः श्रुतसाक्षिणः इत्येवमादिः ।

ननु प्रत्यक्षाद्यष्टप्रमाणान्तर्गतमेव प्रमाणं नान्यदिति द्वयोः कथंचित्तत्वसंभवेऽपि भुक्तेर्न तदंतर्भावः इति कथं तत्वमित्याशयेनाह । **नन्विति** । लिप्यादिर्नशब्दः स च नित्य इत्याशयेनाह । **शब्दाभिव्यक्तीति** । लिपेः स्फोटव्यंजकवत्साक्षिणां ध्वनिद्वारा तदभि[2]व्यंजकत्वात्स्वरूपतस्तेषामतत्त्वेऽपि तत्वात्तत्वमिति भावः । तस्या अपि तदन्तर्भावमाह । भुक्तिरिति । प्रमाणमेवे[3]त्यन्वयः । **कैश्चिदिति** । आसेधरहितादिविशेषणैरित्यर्थः । **अव्यभिचारादिति** । अनेनानुमितिसामग्री उक्ता । यथासंख्यमत्रान्वयः । **कल्पयंतीति**[4] । शत्रन्तप्रकृतिकम् । क्षेत्रादिकं अस्य क्रयादिप्राप्तम् आसेधरहितत्वे सति चिरकालोपभुक्तत्वात् तदीयगृहादिवत्

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१ ख—प्रामाणिकत्वात् । २ ग—तदक्षिव्यंजकत्वा । ३ ग—त्यत्रान्वयः । ४ ख ग—यन्तीति ।

इत्यनुमानप्रयोगः । तादृशी भुक्तिः स्वतोऽनुपपद्यमाना तादृशं तत् कल्पयतीत्यर्थापत्तिर्बोध्या । एवं क्रयादौ सिद्धे स्वामी रिक्थेत्यादिवचनोपपत्तै[1]र्नियतकारकहेतुभिः स्वस्वत्वं सिद्धं भवति ।

उत्तरार्धार्थमाह । **एषामिति** । मध्ये इति शेषः । अप्यर्थान्तर्भावेण समास इत्याह । **अन्यतमस्याप्यभावे इति** । अपिनोभयादि[2]समुच्चयः । **वक्ष्येति** । प्राग्वत् । तेषां तत्वं न ऐच्छिकं किंतु व्यवस्थितमित्याह । **जातीति**[3] । प्रमाणमित्यस्यानेनापि[4]संबंध इत्याह । **प्रमाणमिति** । उक्तरीत्या महर्षिभिरिति शेषः । मानुषप्रमाणाभावमात्रे दिव्यावसर इति यथाश्रुतप्रतीयमानो न तदर्थः, किंतु तदभावनिर्णये सत्येव तदवर इतीत्याह । **मानुषेति** । अत्र गमकमिदमेवोपस्थितमाह । **अस्मादिति** । अन्यथा एषामन्यतमाभावे इत्यस्यानर्थक्यं स्पष्टमेव । ग्राह्यमिति शेषः । केन प्रामाण्यमित्यनेनावगम्यते इत्यनेन चास्यैवार्थस्याभिमतत्वात् । ननु यथाश्रुतार्थबोधकमेवेदं वचनमिति न व्यर्थमतस्तत्र हेतुमाह । **दिव्यस्येति** । दृष्टे सत्यदृष्टाश्रयणस्यान्याय्यत्वात् । दिव्यस्य तयोः शास्त्रैकगम्यत्वेनालौकिकत्वेनादृष्टत्वात्तथा सत्यानर्थक्यादिति भावः । एतत्फलमाह । **अतश्चेति** । स्पष्टोऽर्थः । क्रियामित्यस्याग्रेऽवलम्बते इत्यस्य पूर्वत्रानुषङ्गः ।

ननु यत्र सर्वसाध्यसाधकं[5] क्रियाद्वयं तत्र भवतु मानुष्येव ग्राह्येति । यत्र त्वेकदेशसाधन[6]भूता मानुषी, सर्वसाधनभूता दैवी तत्र का ग्राह्येत्यत आह । **यत्रापीति** । **न दैवमिति** । उक्तहेतोरेवेति भावः । उदाहरति । **यथेति** । **इत्यभियोगेति** । इति योऽभियोगस्तस्यापन्हवे परेण कृते सतीत्यर्थः । **ग्रहणे इति** । मूलभूतं द्रव्यं प्रधानं तस्यैकदेशो ग्रहणं संख्या वृद्धिश्च अभिमतवृद्धिकरूपकशतग्रहणं प्रधानं वा । **इत्युक्ते** । स्थलविशेषे । पूर्वान्वयीदम् । नन्वेवं कथं सर्वसाध्यसिद्धिरत आह । **तत्रैकेति** । तदविषयत्वादाह । **न्यायेनेति** । तद्रीत्येत्यर्थः । अपिर्दिव्यसमुच्चये । **संख्येति** । संख्यावृद्धिविशेषयोः सिद्धेरित्यर्थः । **व्याप्ता** । तन्मात्रसाधिका । सर्वसाधिका ग्राह्येति किमु वक्तव्यमित्यपेरर्थः । **सा** सैव । अत एवाह । **न त्विति** । वदतां वादिनां मध्ये कस्यचित् इत्यर्थः । दैवी विवदतामिति पाठान्तरम् ।

एवं स्थिते **कात्यायन**विरोधं परिहरति । **यत्त्विति** । **गूढेति** । कर्मधारयान्मत्वर्थीयः । चस्त्वर्थेत्वित्येव पाठान्तरं । **प्राप्तम्** । योग्यम् । **मानुषासम्भवे एवेति** । मानुषासम्भवकृतनियमार्थमिति पाठान्तरम् । नियमश्च परीक्षणस्यादृष्टार्थः । प्राग्वदाह । **यदपीति** । **साहसे** । तदाख्ये विवादे । मानुषासम्भवात्तस्य चत्वार्यधिकरणान्युक्तानि । **अरण्ये इति** । निमित्तान्तरमाह । **न्यासेति** । उपसंहरति । **तस्मादिति** । **अस्य** । उक्तस्यौत्सर्गिकस्यार्थस्य । **प्रक्रान्ते इति** । अस्य सर्वत्रान्वयः । अत्र साक्षिदिव्ययोर्विकल्पविधानात्तुल्यार्थानामेव विकल्पात्तदपवादत्वम् । **कात्यायनो**क्तिरियमपि । एवमग्रेऽपि त्रिषु ।

प्रसङ्गात् मूलानुक्तमन्यदपि किंचित्सिद्धान्तभूतमाह । **तथेति** । आदिना भुक्तिसाक्षिणोः परिग्रहः । एवं च तत्राप्यैच्छिकत्वं नेति भावः । तत्रादौ लेख्यस्याह । **यथेति** । पूगादेरर्थः स्फुटीभविष्यति । **स्थिति**र्मर्यादा । **तस्याः** । स्थितेः ।

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१ ख—वचनोपपत्तै । २ क—अपिना भयादि । ३ ख—यातीति । ग—ज्ञातीति । ४ ख ग—स्यात्रापि । ५ ख—सर्वसाधकं । ६ ख—साधक ।

भुक्तेराह । **तथेति** । क्रियाशब्दस्य द्वंद्वान्ते श्रूयमाणस्य प्रत्येकं संबंधः । **क्रिया** करणम्, । **आभोगः** परिणाहः । तेन च परिणाहवदङ्गणादिकं लक्ष्यते । अर्शआद्यज्वा । **जलवाहो** । जलनिर्गममार्गः । आदिना गेहादि[1]परिमार्जितरजःपुञ्जप्रक्षेपस्थानावकरादिग्रहणम् । अत्र द्वन्द्वोत्तरपदकद्वन्द्वघटितबहुव्रीहिः ।

साक्षिणामाह । ***तथादत्तेति** । बहुवचनान्तयोर्द्वंद्वः । दत्तादत्तं वि[2]द्यते येषु । दत्ताप्रदानाख्यविवादपदेषु । दत्ते चेति, दत्तेऽथेति वा पाठान्तरं । स्वामिभृत्यनिर्णयाख्ये तत्र । **विक्रयेत्यर्धे**नैकं विक्रीयासंप्रदानाख्ये तत्र । **धनं** मूल्यं । दातुमिति शेषः । तत्र यस्तत्सम्बंधस्तत्रेत्यर्थः ।

द्यूते समाव्हयाख्ये च तत्र । **समुपस्थिते** प्राप्ते । एतानि च विवादपदान्यग्रे स्फुटीभविष्यन्ति ॥ २२ ॥

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उभेति । वादिप्रतिवाद्युक्तयोः । **बलाबलेति** । प्रागुक्ते इत्यर्थः । **कार्ययोः** । साध्ययोः । करणरूपार्थनिरासायाह । **क्रियते इति** । तात्पर्यार्थमाह । **उत्तरेति** । प्रमा[3]णेनेति भावः । **सिद्धेऽपीति** । पूर्वप्रमाणेनेति भावः । अस्य लक्ष्यान्तरमाह । **तयेति** । द्वे वृद्धिर्यस्य तत् द्विकं । तदस्मिन्निति कन् । निष्कशतस्य प्रतिमासं निष्कद्वयं वृद्धिरित्येवं प्रथमं गृहीत्वा, कालान्तरे तद्दातुमसमर्थस्य स्वकार्यवशात्तस्यैव निष्कशतस्य निष्कत्रयं वृद्धिरित्यङ्गीकारे तदेवं परं बलवत् । विरोधेनोत्तरसंख्यायाः पूर्वसंख्याबाधकत्वेन पूर्वसंख्याया अप्रसरादित्यर्थः । ननु व्याकरणे सति विरोधे परस्य पूर्वबाधकत्वं विप्रतिषेधशास्त्रमूलकं दृष्टम्, "अणुदित्सूत्रे" (व्या० सू० १-१-६९-) च भाष्ये उक्तं गौणी मुख्या चोत्तरा संख्या पूर्वां संख्यां बाधते इति, तद्वदत्र किं मूलम् । अतस्तन्न्यायेनेवोभयत्र बीजमाह । **पश्चादिति** । किं तु तद्बाधेनैव परस्योत्पत्तेरित्यर्थः ।

एकस्य निकटे । एवमग्रेऽपि । प्रागुक्तहेतोरत्रासत्वमत्र हेतोः सत्वं च सूचयन्नाह । **नन्वित्यादिना** । पूर्वे[4]स्वत्वादेराह । **तदानीमिति** । **न्यायेति** । बहुव्रीहिः षष्ठीतत्पुरुषो वा । एकत्राहितादेरन्यत्राधानकरणादौ स्वत्वमेव नास्तीत्ययमेव न्यायः । तत्सिद्ध्यर्थ एव स्फुटत्वायानूद्यतेऽनेन । यद्वाऽनेन तथाऽर्थे बोधिते तद्बलात्तस्य पुनस्तत्र स्वत्वाभावादिति स न्यायो निष्पन्न इति उभयथाऽपि प्रकृतोक्तिर्निर्बाधैवेति भावः ॥ २३ ॥

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भुक्तेः प्रागुक्तप्रमाणान्तर्गतायाः । **कैश्चिदिति** । आसेधरहितत्वचिरकालत्वादिविशेषणैर्युक्ताया इत्यर्थः । **कार्यान्तरमिति** । पूर्वत्र क्रियाशब्दस्य कार्यपरत्वस्योक्तत्वेन तदुभयान्यतरसाध्यसिद्धिरूपकार्यातिरिक्तकार्यमित्यर्थः । अनेन व्यवहिताव्यवहितसङ्गतिरुक्ता । एक-

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१ **ग**—प्रमार्जित । २ **ख**—दत्तादत्तेषु । **ग**—दत्तादत्तेषु विद्यते येषु । ३ **ख**—प्रमाणान्तरेणेति ।
४ **ख**—पूर्वतत्स्वत्वादे । **ग**—पूर्वं सत्वादे ।

* दत्तादत्तेऽथ इति मिताक्षरापाठः ।

देशिमतेन व्याचष्टे । **परेणेति** । सम्बन्धे सति दानक्रयादिरूपे परस्वस्यैवाभावादाह । **असम्बन्धेनेति** । बहुव्रीहिः । असम्बद्धेनेति पाठान्तरम् । कार्याकाङ्क्षायां प्रत्यासत्तेराह । **भुज्यमानां भुवमिति** । **पश्यत इति** । वादिन इत्यर्थः । अब्रुवत इति छेदेनाह । **अब्रुवत इति** । तत्र कर्माकाङ्क्षाशान्तये तदर्थमाह । **मदीयेयमिति** । षष्ठीयं **तस्या इति** । तत्सम्बन्धिन्याः । परेण भुज्यमानाया इत्यर्थः । स्पष्टत्वाय पुनराह । **अप्रतीति** । स्पष्टत्वायोक्तसहितं विंशतीत्यस्यार्थमाह । **अप्रतिरवमिति** । अशब्दं यथा तथेत्यर्थः । समस्तपाठो युक्त एव । विंशतिवर्षशब्दस्तदुपभोगे लाक्षणिकः । कृतलब्धेत्यर्थे कालाट्ठञ् । वर्षस्याभविष्यतीत्युत्तरपदवृद्धिरेवमग्रेऽपि । तत्फलितमाह । **भोगनिमित्तेति** ।

अनुपपत्तौ हेतुमाह । **नहीत्यादिना** । अप्रतिषेधात्स्वामिनः स्वत्वानवगममुक्त्वा तावत्पर्यन्तं तादृशोपभोगेन स्वत्वानुत्पत्तिमाह । **नापीति** । **स्वत्वमिति** । उत्पद्यते इति शेषः । अत्र हेतुमाह । **उपभोगस्य स्वत्वे प्रमाणत्वादिति** । तस्य स्वत्वविषयप्रमितिजनकत्वादित्यर्थः । क्वचित्समस्तपाठः । यथा धूमस्य पर्वतादावग्निज्ञापकत्वं न तदुत्पादकत्वं तथोपभोगस्यापि स्वप्रमेयभूतस्वत्वज्ञापकत्वं नोत्पादकत्वमतो न ततस्तदुत्पत्तिरिति भावस्तदाह । **प्रमाणेति** । ननूपभोगस्य न तत्प्रमाणत्वं मानाभावात् किं तूत्पादकत्वमेवात आह । **रिक्थेति** । तत्र तस्यापाठान्न तस्य तत्त्वमित्यर्थः । तत्र पाठमेव दर्शयति । **तथाहीति** । **गौतम**वाक्यमाह । **स्वामीति** । रिक्थादिषु पंचसु सत्सु स्वामी भवतीति । सर्वसाधारणस्वत्वकारकहेतुपरिगणनम् । अप्रतिबन्धो दायो **रिक्थम्** । सप्रतिबन्धो दायः **संविभागः** । **क्रयः** प्रसिद्धः । अरण्यादिष्वनन्यपरिगृहीततृणकाष्ठादिस्वीकरणं **परिग्रहः** । निध्यादिप्राप्तिः **अधिगमः** । असाधारणकारकहेतूनाह । **ब्राह्मेत्यादिना** । ब्राह्मणस्य प्रतिग्रहादिना यल्लब्धं तदधिकमसाधारणमित्यर्थः । वैश्यस्य भोगरूपेण भृतिरूपेण वा यल्लब्धं, शूद्रस्य द्विजशुश्रूषादिना भृतिरूपेण यल्लब्धं, तदधिकमसाधारणं स्वत्वजनकम् । निर्वेशो भृति भोगयोरित्य**मरः** । (३–३–२१४)

ननु एवमपि पश्यत इति वचनमेव तादृशोपभोगस्य स्वत्वहेतुविधायकमस्तु इत्याशयेन शङ्कते । **न चेदमिति** । **आपत्तिः** प्राप्तिः । तत्र हेतुमाह । **स्वत्वस्येति** । एकशब्दो मात्रार्थः । विधेरत्यन्ताप्राप्तप्रापणस्वभावत्वेन लोकप्रसिद्धार्थे प्रवृत्त्यभावादिति भावः । **एतच्चेति** । तस्य तेषां च लोकसिद्धत्वमित्येतदित्यर्थः । नन्वेवमुक्त**गौतम**वाक्यस्य का गतिरत आह । **गौतमेति** । शास्त्रपरिगणितैरेव हेतुभिः स्वत्वमुत्पाद्यं नापरिगणितैरपि चौर्यादिभिरिति नियमोऽदृष्टायेति नियमार्थं न तु स्वत्वादिशास्त्रमात्रसमधिगम्यमित्येवमर्थमित्यर्थः । यद्वा तैः स्वत्वमेव नास्वत्वमिति तथा नियमः ।

स्मृतिविरोधरूपं दोषमप्याह । **अपि चेति** । द्वौ ब्राह्मणाविितिवत् बहूनीति प्रयोगः । **विरुध्यते इति** । अनागमोपभोगेन स्वत्वोत्पत्तावुपभोक्तुर्दण्डविधानमनुपपन्नम् । विहितस्तु दण्डः । अत एतद्वचनविरोधादपि न स्वत्वं तादृशोपभोगादुत्पद्यते इत्यर्थः । ननु सति विरोधे तादृशोपभोगात्स्वत्वानुत्पत्तिः स एव नेत्याशयेनाह । **न चेति** । स्वाम्यसमक्षं बहुकालोपभोगेऽपि स्वत्वानुत्पादादुपभोक्ता **चोरवद्दण्ड्य** इति तदर्थः । **पश्यत इति** । स्वामिनः समक्षमनासेधो-

पभोगे विंशतिवर्षादूर्ध्वं तद्धानिर्भवतीति उपभोगादुपभोक्तुः स्वत्वमुत्पद्यते इति तदर्थः । एवं च परोक्षत्वापरोक्षत्वरूपविशेषपरत्वेन न मिथो विरोधो येन तदभावः स्यादिति भावः । प्रतिज्ञामात्रेणार्थासिद्धेरत्र हेतुमाह । **अनागममिति** । उक्तविशेषं विना सामान्येन तादृशोपभोक्तुर्दण्डनिर्देशान्न तथा व्यवस्था युक्तेतिभावः ।

ननु तत्र सामान्योक्तावप्यत्र विशेषोक्त्या एतदन्यपरत्वं तस्येति युक्तैव व्यवस्थाऽत आह । **नोपेति** । उपभोगमात्रबलादेव न स्वत्वसिद्धिरित्यर्थः । तथा च कथं समक्षभोगेऽपि तन्मात्रात्स्वत्वहानिस्तदुत्पत्तिश्च ? । यदि तथा स्वीक्रियते तर्हि सामान्येनैतद्वचनविरोध इति भावः । नन्विदमपि परोक्षभोगविषयकमेवास्तामुक्तवचनैकवाक्यतया अत आह । **समक्षेति** । **चोऽन्ते** योज्यः । अनासेधेन स्वत्वानपगम उपभोगेन [1]स्वत्वानिष्पत्तिश्चेति प्रागुक्तरीत्या हानिकारणाभाव इति भावः । तस्मादेतदनुपपत्तिस्तदवस्थेति सिद्धम् । नन्वेवं माऽस्त्वस्य प्रागुक्तोऽर्थः किं त्वन्य एवेत्याह । **न चैतन्मन्तव्यमिति** । इतीत्यन्तेन वक्ष्यमाणमित्यर्थः । **प्राबल्येति** । आध्यादिषु तदपवादत्वेन यत्पूर्वक्रियायाः प्राबल्यमुक्तं तदपवादतया भूमौ विंशतिवर्षोपभोगसहितोत्तरक्रिया प्रबला, धने तु दशवर्षोपभोगसहितेति[2], ईदृशस्थले आध्यादिष्वप्युत्तरैव क्रिया ग्राह्येत्येवार्थ इत्यर्थः । अत्र क्रिया [3]कारणम् । भूमौ विंशतिवर्षोपभोगाभावे धने च तादृशतदभावे पूर्वकृताध्यादिकमेव प्रबलं, ततोऽन्यत्र तदपेक्षयोत्तरकालकृतमेव तत्प्रबलमिति व्यवस्थेति भावः । हेतुमाह । **यत इति** । **तेषु** आध्यादिषु । उत्तरक्रियाया एव वस्तुतोऽभावात्पूर्वक्रियापेक्षया प्राबल्यं न संभवति । सति हि धर्मिणि धर्मचिंतनमिति भावः । तत्राह । **स्वमेव हीति** । स्वत्वविशिष्टमेव हीत्यर्थः । तत्र हेतुमाह । **न चेति** । न हीत्यर्थः । **वा** चार्थे । [4]प्रतिग्रहांशे युक्त्यन्तरमप्याह । **अस्वत्वस्येति**[5] । अभ्युपेत्य एवं सति **याज्ञवल्क्यस्य** पूर्वापरविरोधादानर्थक्यापत्तिरपि दोषान्तरमित्याह । **तथेति** । अस्य श्लोकस्येत्यस्य मध्यमणिन्यायेनोभयत्रान्वयः । **अपवादः** अपवादत्वम् । आधौ पूर्वत उत्तरप्राबल्येऽनेन बोधितेऽग्रिमवचनेनाधौ एतदपवादतयोत्तरकार्याप्राबल्यबोधने तत्रैव विपरीताभिधानेन मिथो विरोधात्तदानर्थक्यमिति भावः । उपसंहरति । **तस्मादिति** । **हानिरिति** । स्वत्वहान्या स्वरूपहानिरित्यर्थः ।

ननु मा भूत्स्वरूपहानिः किं तु तदनन्तरं तद्विषयव्यवहारहानिरनेन प्रतिपाद्यते इत्यत्र आह । **नापीति** । तावत्पर्यन्तं परोपभोगे भोग्यभोजकभावसंबन्धाभावेन वस्तुनो नष्टत्वात्तदभावनिमित्तकनृपादिकृतवास्तवव्यवहारहानिरित्यर्थः । तत्र हेतुमाह । **यत इति** । उक्त [6]ईत्यत्रान्वयः । **तस्य** वादिनः । उपेक्षामित्यनेन शारीरव्यापारशून्यत्वं तूष्णीमित्यनेन वाग्व्यापारशून्यत्वं तेनाब्रुवत इत्यर्थलाभः । **तिष्ठतः** विद्यमानस्य । अनेन द्विविधाविद्यमानत्वव्यवच्छेदः । तेनापश्यत इत्यस्यार्थस्य लाभः । **विपन्ने** पूर्णे समाप्ते इति यावत् । **पूर्वोक्ते** संकेतिते । व्यवहारहानौ मुख्यहेतुमाह । **उपेक्षालिङ्गेति** । अन्यथा तद्विशेषणानर्थक्यमेवेति भावः । तथा चोक्तार्थे हेतुत्वमेवास्य वचनस्यानेनोपपादितमिति बोध्यम् । उपेक्षायां यानि लिङ्गानि जडत्व-

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१ ख—स्वत्वानपगमात् । २ ख—सहिते तादृश । ३ ग—कारणं, ख—कृतिः । ४ फ—प्रतिग्रहे ।
५ क ख ग फ-अस्वस्येति । ६ फ ग—उक्तेत्यत्रान्वयः ।

बालत्वादीनि तेषां यो भावस्तत्कृता तन्निमित्तैवेत्यर्थः । एवव्यवच्छेद्यमाह । **न तु वस्त्वभावेति** । पराक्रान्तत्वात्तत्संबन्धाभावकृततदभावेत्यर्थः । उपेक्षालिङ्गेष्वसत्सु एतावत्पर्यन्तं विप्रतिपन्नवस्तुनः स्वीयत्वे किमित्यनेन व्यवहारो न कृत इति प्रत्यर्थिनोक्ते वादी निरुत्तरो भवतीत्येवं प्रकारेण व्यवहाराभावो **नारदे**नोच्यते । '**उपेक्षां कुर्वत**' इत्युक्तेः । अन्यथा तदानर्थक्यं स्पष्टमेव । अतो न तथा वस्तुनोऽभावकृतो व्यवहाराभावो वक्तुं शक्य इति तात्पर्यम् ।

साधकान्तरमाह । **तथेति** । **विषयश्चास्य भुज्यते इति** । 'विषये चास्येति' पाठान्तरम् । 'विषये चास्य भुञ्जत' इति तृतीयपाठः । **विषयो** देशः । **अस्य** धनिनः । **अजडश्चेत्यादि** । "यत्किंचिद्दशवर्षाणि संनिधौ प्रेक्षते धनी । भुज्यमानं परैस्तूष्णीं न स तल्लब्धुमर्हति" ॥ इति पूर्वशेष इति **मेधातिथिः** । **तत्** धनिकरूपम् । **तद्धनं** तदुत्पन्नं फलरूपम् । **इति** इत्येवं प्रकारेण । प्रथमपक्षं निराचष्टे । **न वस्तुत इति** । न तथा वस्त्वभावकृत इत्यर्थः ।

सर्वथा व्यवहारभङ्गे नानयोस्तात्पर्यम्, किन्तु वादिनिरुत्तरत्वे इति प्रतिपादयन्नाह । **व्यवहारेति** । भवतीतीत्यन्तेनान्वयः । वदतीत्यस्य उदास्ते इतीत्यत्रान्वयः । '**अजड**' इत्यादि उपलक्षणमन्येषामपीत्याह । **अबाल इति** । **अस्येति** । अनन्तरयोगे षष्ठी । तत्सूचितमाह । **संनिधाविति** । भुज्यते इति वर्तमानसामीप्ये लडित्याह चकारसमुच्चेयमाह । **तत्रेति** । **भुज्यते** । भुक्तम् । **उदास्ते** उदासीनः । अस्य फलमाह । **एवमिति** ।

अथास्यान्यथा व्याख्यानमाह । **अथ मतमिति** । तादृशोपभोगान्न भूम्यादेस्तद्विषयव्यवहारस्य च हानिः; किं तु तस्य तादृशस्य व्यवहारहानिशङ्का स्यादिति तन्निवृत्त्यर्थमासेधो विधेय इत्यासेधस्यावश्यकर्तव्यतां विधत्ते इदं वचनमित्यर्थः । तदपि व्याख्यानं दूषयति । **तच्च नेति** । ननु तूष्णीं न स्थातव्यमित्युपदेशः किमदृष्टार्थः? उत दृष्टार्थः?! न तावदन्त्यः, असंभवात्, व्यवहारहानिशङ्कायां सत्यां तन्निवृत्त्यर्थमुपदेशो वाच्यः । सा च कारणे सत्येव भवति नासति । तच्च कारणं विंशतिवर्षपरिमिता भुक्तिरुतान्यत् । तत्र नान्त्यः । वचनेऽनुक्तेः । नाद्य इत्याह । **स्मार्तेति** । स्मरणविषयतायोग्यकालिकभुक्त्या व्यवहारहानिशङ्कैव नोत्पद्यते साक्ष्यादिसंभवादिति भावः । नाप्यदृष्टार्थ इत्याह । **तूष्णीमिति** । दोषद्वयप्रतिपादकोऽयं ग्रन्थः । अविवक्षितं स्यादित्यस्योभयत्रान्वयः । तथा चैतावन्मात्राभिधित्सायामविवक्षितमनुपपन्नं स्यादित्याद्यर्थः । तूष्णीं नेति उपदेशस्यादृष्टं फलं विधिबलात्कल्प्यं यद्यपि तथापि कल्पनैव तावद्गरीयसी । किं चादृष्टसत्वमेव न । 'बालाग्रशतभागोऽपि न कल्प्यो निष्प्रमाणकः ।' इतिन्यायात् । किं च वक्ष्यमाणप्रकारेण गत्यन्तरसंभवे तदभावमूलकतत्कल्पनाऽसंगता । एवं चादृष्टकल्पनयैवास्य सार्थक्यकल्पनायां बीजाभावान्नास्यादृष्टार्थत्वमिति भावः ।

अस्योपदेशस्यादृष्टार्थत्वमभ्युपेत्याप्याह । **विंशतीति** । अत्र तदविवक्षितमनर्थकं स्यादित्यर्थः । अस्योपदेशस्यादृष्टफलकत्वे तत्फलस्य विंशतिवर्षरूपमर्यादानुक्तावपि तूष्णीं न स्थातव्यमिति निषेधमात्रेणापि सिद्धिरिति तदुपादानमनर्थकं स्यादिति भावः । यद्वा तदपि व्याख्यानं दूषयति । **तच्च नेत्यादिना** । असौ मदीयं क्षेत्रादिकं प्रतिग्रहादिकं विनोपभुङ्क्ते इति स्मरणयोग्यकालिकी या भुक्तिस्तस्या व्यवहारहानिशङ्कां प्रति कारणत्वाभावात्तन्निवृत्त्यर्थत्वस्यैतदुपदेशस्यासम्भवात्तूष्णीं

नेत्येतावन्मात्रोपदेशे वाच्ये विंशतीत्यनर्थकं स्यात्, दृष्टफलाभावेनादृष्टफलकल्पनायां विंशतिवर्षरूपमर्यादानुक्तावपि सम्भवात् इति पाठः ।

विंशतीत्यस्योक्तमानर्थक्यं निराचष्टे । **अथोच्यतेत्यादिना** ऊर्ध्वं विंशतेरिति शेषः । 'पश्यत' इत्यनेन तूष्णीं नेत्येवोपदिश्यते नाधिकं यद्यपि विंशतीति सार्थकम् । तथाहि । यदि विंशतिवर्षपर्यन्तं स्वामिकृतासेधाभावेन तद्रहितं तावत्कालं वस्तुतः कपटकृतलेख्यमपि प्रत्यर्थिनोपयुक्तं तदा विंशतिवर्षोत्तरं तत्पत्रं निर्दोषमिति पत्रदोषोद्भावननिराकरणार्थत्वेन तत्सार्थकमिति भावः । अत्र प्रमाणमाह । **यथाहेति । शक्तस्य** निराकरणे समर्थस्य । **संनिधा**वित्यनेनासांनिध्यव्यवच्छेदः । **लेख्येन** कपटकृतेन । **विंशद्वर्षाणी**त्यार्थम् कालाध्वनोरिति द्वितीया । भुज्यते इति प्राग्वत् ।

इदमपि निराकरोति । **तदपि नेति** । तथा तस्य सार्थक्येऽप्याध्यादिष्वपि उक्तन्यायस्य तुल्यत्वेनाग्रे आधिसीमोपेत्यादिमूलवचनेनापवादत्वोक्त्यसङ्गत्यापत्त्या मूलयोर्मिथो विरोधापत्तेरिति भावः । ननूक्तरीत्या पश्यत इत्यनेन सामान्यतो विंशतिवर्षोपभोगोत्तरं सर्वत्र पत्रेषु दोषोद्भावननिराकरणे प्राप्ते आधिसीमोपेत्यनेन विशेषवचनेन तद्विषये तथा न किं तु तदुत्तरमपि तदुद्भावनं कर्तव्यमेवेति बोध्यते इति प्रागुक्तापवादत्वसम्भवेन तस्य कुतो विरोधो मिथ इति चेन्न । वचनान्तरविरोधेनैवं व्यवस्थाया दुर्वचत्वात् । तदेतदभिप्रेत्य तद्वचनमाह । **यथाहेति** । तथा च तथाऽङ्गीकारे **कात्यायनादि**विरोधोऽन्यथा मिथो विरोधः । सेयमुभयतःपाशा रज्जुरिति भावः । **अथेति** । आधिसीमापत्रयोरपि तदुत्तरं दोषोद्भावनं न अपि तु अदृष्टमेवेत्यस्यैतदुभयप्रतिपाद्यत्वेनैतद्विपरीततया मूलवचनयोर्व्यवस्थायामेतद्विरोधः । न चैतद्युक्तं वक्ष्यमाणप्रकारेणाविरोधेनैवोपपत्तेरितिभावः **सत्योऽर्थ इति** । निर्दुष्टोऽर्थ इत्यर्थः । अन्योऽर्थ इति पाठान्तरम् ।

तमेव स्वाभिमतमाह । **उच्यते इति । इह** पश्यत इत्यत्रवचने । **विवक्षितेति** । तात्पर्यत इति भावः । अत एवोपपादयति । **तथाहीति । निराक्रोशमिति** । उपभोगक्रियाविशेषणम् । **फलेति** । तावत्पर्यन्तं ततस्तेन लब्धेत्यादिः । ननु स्वल्पापराधे महदनिष्टमनुचितमत आह । **अस्मादिति** । पश्यत इति वाक्याच्चेत्यर्थः । अन्यथैतस्य वैयर्थ्यं स्पष्टमेव । पदकृत्यान्याह । **परोक्षेति । साक्रोशे इति** । फलानुसरणं लभते एवेत्यस्यानुषङ्गः । अत्र हेतुमाह । **अब्रुवत इति** । यतोऽब्रुवत एव फलहानिरतो ब्रुवत आक्रोशं कुर्वतः फलमस्तीति भावः । **निराक्रोशे चेति** । फलानुसरणमित्यनुषङ्गः ।

इदमप्ययुक्तमिति शङ्कते । **नन्विति । फलस्येति** । फलस्यापीत्यर्थः । **तद्धानिरिति** । फलहानिरपीत्यर्थः । अस्तु स्वत्वं तथापि विषयविशेषे फलहानिरुपपन्नैवेत्यर्द्धाङ्गीकारेण परिहरति । **बाढमिति** । क्व फलहानिर्नास्ति क्वास्तीत्याकाङ्क्षायां यत्र फलं विद्यते तत्र हानिर्न, विपरीते विपरीतमित्याह । **तस्येति** । फलस्येत्यर्थः । स्वरूपपदं स्पष्टार्थं । यद्वा स्वरूपतः सर्वांशेनैवेत्यर्थः । **तादिति** । क्षेत्रेत्यर्थः । **पूगः** क्रमुकः । एवं चायं पूर्वपक्षविषय इति भावः ।

प्रकृतवचनविषयमाह । **यत्पुनरिति** । यत्त्वित्यर्थः । 'यत्र पुनरिति' पाठान्तरम् । **स्वत्वनाश इति** । सम्बन्धिनः स्वरूपस्याभावात्सम्बन्धघटकसत्वस्य निवृत्तावपीत्यर्थः । **वचनेनेति** ।

चौरेणापहृतं द्रव्यं स्वामिने दापयित्वा ततो यथा राज्ञा दण्डो गृह्यते तद्वत्तादृशोपभोक्तारं पापिष्ठं तं स्वामिने तद्दापयित्वा स्वयं राजा दण्डयेदिति तत्पूर्वदण्डविधायकेन **कात्यायन**वचनेनेत्यर्थः। **अपोद्यते** बाध्यते। उक्तवचनबलात्फलमूलादिदाने प्राप्ते केवलं फलहानिस्तत्रानेन विधीयते इति तदपवाद[*]त्वमस्येति भावः। अत एवाह। **राजदण्ड इति**। तद्वचनबोधित इत्यर्थः। स्वत्वहेतुः प्रतिग्रहक्रयादिरागमः। वचने तत् क्रियाविशेषणम्। **अपेति**। तद्वदेतद्विषयेऽपवादाभावाच्चेत्यर्थः। श्लोकमुपसंहरति। **तस्मादिति**। अन्योपेक्षा नापराध इति सूचयन्नाह। **स्वाम्युपेति**। **नष्टमिति**। स्वरूपत इति भावः। **व्याख्यातमिति**। उक्तवत्तस्यापि फलहानिपरतया सुयोजत्वात्॥ २४॥

याज्ञवल्कीये २५ श्लोकः

यथाश्रुतप्रकारद्वयेऽप्यनुपपत्तेराह **आधिश्चेत्यादिना**। लघ्वक्षरत्वाज्जडस्य पूर्वनिपातः। अत्र द्वन्द्वस्वरूपप्रतिपादने तात्पर्यं न तु क्रमे। तथा च जडेत्यादि संसाध्य तेन सहोपनिक्षेपादिभिस्त्रिभिर्व्युत्क्रमेण त्रिवारं द्वन्द्वः कार्यः। यथाश्रुते तु आधिशब्द[1]स्य घ्यन्तत्वात्पूर्वनिपातसम्भवेऽपि द्वितीय[2]द्वन्द्वे जडेत्यादेः पूर्वनिपातः स्यात्। अनित्यत्वं त्वगतिकगतिः। अत उक्तैव गतिर्न्याय्या। उपनिधिं[3] उपनिक्षेपस्य भेदं दर्शयन्नेतदर्थमाह। **उपनिक्षेपो नामेति**। तथा च रूपसंख्ये अप्रदर्शयि[4]त्वा रक्षणार्थं यद्दीयते स **उपनिधिः**। स्वमुद्राद्यङ्कितग्रन्थिकरणमुभयत्र समानम्। अत एव तत्र भोगा[5]भाव इति बोध्यम्। **अत्रोपे**त्यविवक्षितमिति सूचयन्नाह। **यथाहेति**। स्वमित्यस्य यदित्यादिः। **यत्र** परहस्ते। **विस्रम्भात्** विश्वासात्। अनेन रूपसंख्याऽप्रदर्शनं सूच्यते। **अविशङ्कित** इत्यनेन रक्षणार्थत्वं सूच्यते। तथोपनिधीति भिन्नं वाक्यम्। सामान्ये नपुंसकम्। विनायोगे द्वितीयैकवचनम्। तद्विना चेत्यर्थः। तद्व्युत्पत्त्यर्थस्तु उक्तः योगार्थमाह। **उपनिधानमिति**। अभ्यर्हितत्वविवक्षया राजशब्दस्य पूर्वनिपातः। धनैरपीत्यत्र विनेत्यस्यानुषङ्गो बोध्यः। इदं च पूर्ववाक्येन पश्यत इत्यनेनान्वेति। तथा च तदेकवाक्यता शाब्दी।

अथ तात्पर्यार्थमाह। **आध्यादिष्विति**। अत्रुवत इति छेदः। **अपि**नाऽन्यसमुच्चयः। **अग्रिमापिना** प्राक्स्वसमुच्चयः। **उपचयेति**। फलहानिर्न भवतीत्यर्थः। अत्र हेतुमाह। **पुरुषेति**। स्वामीत्यर्थः। स्वल्पसत्त्वेऽपि न दोष इत्याह। **तथाविधेति**। येनेदृशं फलं तादृशेत्यर्थः। अत्र हेतुमाह[6]। **उपेक्षेति**। **तत्र तत्र** आध्यादिषु। **आधित्वोपाधिक एवेति**। आधित्वनिमित्तक एवेत्यर्थः। आधिक्योपाधिक इति पाठान्तरम्। तत्र आधिक्यं वृद्धिः। **चिरकृतेति**। पूर्वतरकृतेत्यर्थः। चिरधृ[7]तेति पाठान्तरम्। सुसाध्यत्वादिति पाठः। सुसाधनत्वा[8]दिति पाठान्तरम्। मूलक्रमबोधने तात्पर्यादाह। **उपनिक्षेपेति**। अन्यथा ऽल्पाचूतरत्वा[9]त्पूर्वनिपाते[10] वैपरीत्यं स्यात्। प्रतिषिद्ध[11]त्वादित्यस्योपेक्षोपपत्तिरित्यत्रान्वयः। निधानकाले तत्कृतं प्रतिषेधमुल्लङ्घ्य भोगे क्रियमाणे आह। **प्रतीति**।

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* तदपवादित्वमस्येति। १ खफ–आधेर्ध्यंतत्वात्। २ खफ–तृतीयद्वन्द्वे। ३ क–उपनिधिना। ४ क–अदर्शयित्वा। ५ फ–भोगोभावः। ६ ख–हेतुमाहापेक्षेति। ७ ख–चिरमृतेति। ८ कग–सुसाधत्वादिति। ९ ख–अल्पाचारत्वात्। १० फ–निघाते। ११ खग–सिद्धत्वात्–फ–विरुद्धत्वात्।

षष्ठीतत्पुरुषपूर्वपदकतृतीयातत्पुरुषः । **चो** व्युत्क्रमे । लाभाचेत्यर्थः । **व्याकुलत्वादिति** । उपेक्षा युक्तैवेत्यस्यानुषङ्गः । एवमग्रेऽपि । **तदर्थेति** । विचारानुष्ठानयोर्द्वन्द्वं कृत्वा तदर्थशब्देन षष्ठीतत्पुरुषं कृत्वा पुनस्त्रयाणां द्वन्द्वं कृत्वा तृतीयातत्पुरुष इति भावः । उपसंहरति । **तस्मादिति** । **कदाचिदिति** । विंशतेः पूर्वं तत्रानन्तरं चेत्यर्थः ॥ २५ ॥

आध्यादिषु अपह्रियमाणेषु अव्यवहितग्रहणसम्भवे व्यवहितग्रहणाभावात् सङ्कोचे मानाभावाच्चाह । **श्रोत्रियेति** । अपहारे निमित्तमाह । **चिरेति** । धनमित्यस्यार्थमाह । **विवादेति** । **अनुवाद इति** । 'दाप्यः सर्वं नृपेणे' त्यनेन, 'सपणश्चेद्विवादः स्यात्तत्र हीनं तु दापयेदि' त्यनेन चास्यार्थस्य विहितत्वादिति भावः । 'निह्नवे भावितो दद्यादि'त्यनेनैवास्यार्थस्य विहितत्वात्तत्र दानस्य विहितत्वेन दानेनैव दापनस्याप्याक्षिप्तत्वादिति भावः । तृतीयपादार्थमाह । **दण्डं चेति** । तत्सममित्यस्य व्याख्या **विवादेति** । अनुषङ्गेणाह । **दापयेदिति** । **विधिरिति** । प्राड्विवाकादेरिति शेषः ।

नन्वयमपि[1] विधिर्न, 'निह्नवे' इत्यत्र 'राज्ञे च तत्सममि'त्यनेनैव प्रकृतधनसमदण्डस्यापि विहितत्वादिति चेन्न । तस्य ऋणादानमात्रविषयत्वेनासर्वविषयत्वेन प्रकृतेऽप्राप्तेः । सर्वविषयत्वेऽपि तत्र तत्र विहितदण्डस्य 'राज्ञे च तत्सममि'त्यनेनानुवादात् । अतो न दोषः । प्रतिपादितमिदं तत्रैव । तदेतत्[2] ध्वनयन्नेवाह । **यद्यपीति** । गृहान्तरादिरूपदण्डदानस्यासम्भवेनाशक्यत्वात् । यद्यपि शक्तस्यास्ति सम्भवस्तथापि साम्यं दुर्घटम् । तथाचाध्यादिसर्वविषयत्वमेतस्यानुपपन्नमिति भावः ।

आदिना 'क्षेत्रस्य हरणे दण्डा अधमोत्तममध्यमाः' । (या. व्य. अ. श्लो. १५५) इत्युत्तरार्धपरिग्रहः । **दण्ड इति** । तत्रेति शेषः । तथा च तत्सममित्यनेन तादृशे स्थले वक्ष्यमाण एव मूल्यसाम्यद्वारा दापनीयत्वेनास्य दण्डो विधीयते इति भावः । नन्वेवमत्राग्रे चैकस्यैवार्थस्य विधानादन्यतरस्याविधित्वं स्यादिति चेन्न । वक्ष्यमाणस्थले दण्डस्वरूपविधिरत्र तु प्राप्तदण्डानुवादेन दापनविधिरित्येवमुभयत्र[3] विधिसम्भवात् ।

तुर्यपादार्थमाह । **अथेति** । बह्विति पूर्वान्वयि । शक्त्यपेक्षत्वस्य मर्यादामाह । **यावतेति** । एतल्लाभोपायमाह । **दण्ड इति** । **तेन** दण्डेन । **दण्डेति**[4] । इत्यत्र **गौतमीये** दण्डग्रहणस्य दमनार्थत्वस्योक्तत्वात् इत्यर्थः । तथा च तस्य योगरूढत्वेन योगवशेन तल्लब्धमिति भावः । अनेनैवाधिकस्येव न्यूनस्यापि विनिगमकाभावात्तथोक्त्या संग्रह इत्याह । **यस्य त्विति** । एवमेवानेनैव लब्धं विशेषान्तरमाह । **यस्य पुनरिति** । यस्य त्वित्यर्थः । ननु धिग्दण्डादेर्दण्डत्वमेवादावसिद्धं, सिद्धेऽपि वा[5] दण्डत्वे तद्विधिः कुतो ऽवगम्यते इत्यत आह । **तथा चेति** । **धिग्दण्डो** 'धिक् धिगिति' कुत्सनम् । **वाग्दण्डः** पौरुष[6]शापवचनात्मकः । **धनदण्डो** धनापहारः । **वधदण्डः** शारीरो बन्ध[7]रोधादिजीवितवियोगान्तः ।

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१ गफ–नन्वयमपि विधिर्न, 'दंडं च स्वपणं चैवे'त्यनेनैवास्यापि विहितत्वादिति चेन्न । तत्र दण्डमात्रस्य दापनविधावपि न तत्समस्येति भेदात् । निन्हवे तु भयप्रदानविधिर्न तु दोषं न विधिरध्ययनाध्यापनविधिवदुभयोरावश्यकत्वमिति भावः । २ फ–तदेतत् तटे तीरे । ३ ग–उभयविधिसम्भवात् । ४ फ–'तेन दण्डेन दण्डति' इत्यत्र । ५ ख–वाग्दण्डत्वे । ६ क–पुरुषवाक्यवचनात्मकः । ७ ग–बध ।

एते च चतुर्विधा दण्डा व्यस्ता एकैकशः, समस्ता द्वित्रास्त्रिचतुरा वा ऽपराधानुसारेण प्रयोक्तव्याः। तदुक्तं **मनुना,** (अ. ८ श्लो. १३०)।

"वधेनापि यदा त्वेतान्निग्रहीतुं न शक्नुयात्। तदैषु सर्वमप्येतत्प्रयुञ्जीत चतुष्टयम्" ॥ इति।

वधेनापि ताडनेनापि। **अपिरन्यसमुच्चये।** उक्तक्रमेण पूर्वपूर्वासाध्ये उत्तरः उत्तरः प्रयोक्तव्यः। तथा चात्र प्रथमतदनन्तरतृतीयातःपरशब्दा धिग्दण्डवाग्दण्डधनदण्डवधदण्डानां मध्ये पूर्वपूर्वापेक्षयोत्तरोत्तरस्याधिक्यप्रतिपादका न तु सर्वेष्वप्यपराधेषु प्रथमादिक्रमेण कर्त्तव्यताप्रतिपादका इति बोध्यम्। अयं पाठः प्रागुक्तस्य धिग्दण्डस्त्वथेतिमूलस्य संवादी।

मेधातिथिना तु आद्ययोर्व्यत्ययेन पाठं धृत्वा यो गुणवानीषत्प्रथममेवापराधं कृतवान् स [1]वानिर्भर्त्स्यः, 'साधु [2]गुणवानसि मा पुनरेवं कार्षीरिति'। तथोच्यमानो यदि ततो न निवर्त्तते तदा धिग्दण्डेन कुत्साविशिष्टैः परुषवचनैर्निर्भर्त्स्यः। एवमग्रेऽपीति व्याख्यातम्। ***नारदेन** तु दण्डद्वैविध्यमुक्तम्। तथाहि, "शारीरश्चार्थदण्डश्च दण्डस्तु द्विविधः स्मृतः। शारीरस्ताडनादिस्तु मरणान्तः प्रकीर्तितः॥ काकिण्यादिस्त्वर्थदण्डः सर्वस्वान्तस्तथैव च"। इति। द्विविधोऽप्यपराधानुसारेणानेकधा भवति। आह स्म **स एव,** 'शारीरो दशधा प्रोक्तो ह्यर्थदण्डस्त्वनेकधा'। इति।

इदं च दण्डकथनम् ब्राह्मणादिसर्वविषयम्। न च 'राजा सर्वस्येष्टे ब्राह्मणवर्जमिति' **गौतमा**'न्न ब्राह्मणा दण्ड्या इति' वाच्यम्। तस्य प्रशंसार्थत्वात्। न चैवं 'षड्भिः परिहार्यो राज्ञाऽवध्यश्चादण्ड्यश्चाबहिःकार्य्यश्चापरिवाद्यश्चापरिहार्यश्चेति' तस्य प्रागुक्तस्योक्तिविरोध इति वाच्यम्। अस्यैतदव्यवहितपूर्वतनेन स्वेनैव, स एष बहुश्रुतो भवति लोकवेदवेदाङ्गविद्वाकोवाक्येतिहासपुराणकुशलस्तदपेक्षस्तद्वृत्तिश्चाष्टाचत्वारिंशता संस्कारैः संस्कृतस्त्रिषु कर्मस्वभिरतः षट्सु वा सामयिकाचारिकेष्वभिविनीत इत्यनेन प्रतिपादितबहुश्रुतविषयत्वेन ब्राह्मणमात्रविषयत्वाभावात्। प्रतिपादितमिदमधस्तात् व्याख्यातं च।

तदेतत् ध्वनयन्विशेषमाह। **वधदण्डोऽपीति। ब्राह्मणव्यतिरिक्तानां** ब्राह्मणव्यतिरिक्तानां तु। क्वचित्तथैव पाठः। [3]अत्र क्वचिद्वधदण्डोऽपि शारीरो ब्राह्मणव्यतिरिक्तानां नवधा दर्शित इति पाठः। स च वक्ष्यमाणाद्यव्याख्यानानुकूलः। आद्यपाठस्तु द्वितीयव्याख्यानानुकूलो दश स्थानानीत्युक्तिस्वरससिद्धः। 'शारीरो दशधा प्रोक्त' इति **नारद**संवादी चेति बोध्यम्। तत्र मानमाह। **यथाहेति। त्रिषु** क्षत्रियवैश्यशूद्रेषु वर्णेषु यानि दण्डस्य स्थानानि तानि दश सोऽब्रवीदित्यर्थः। इदमुपलक्षणमनुलोमादेरपि। तदेतत् ध्वनयन्नाह। **अक्षत इति।** शारीरसकलवधदण्डरहित इत्यर्थः। **व्रजेत्** राजगृहात् पुराद्वा। **पञ्चमं** स्थानम् अव्यवहितेनान्वेति। स्थानशब्दोऽत्र विषयपरः। तत्तत्प्रदेशे पीडनीय इति तात्पर्यम्। न च धनदण्डस्य पृथग्विहित-

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१ **कखफ**–स वाचा निर्भर्त्स्यः। २ 'न साधुकृतवानसि' इति मेधातिथिटीकांतर्गतः पाठः।

* इमौ श्लोकौ=भट्टजॉलीभिः संशोधित–नारदस्मृतौ परिशिष्टभागे उपलभ्येते। शारीरश्चार्थदण्डश्चेत्यस्योत्तरार्धः शारीरो दशधा प्रोक्त इति अग्रे वर्तते। ५३। ५४ श्लोकौ। शारीरस्ताडनादिरिति श्लोकेऽपि पूर्वार्धोत्तरार्धयोर्विपर्यासो दृश्यते।

३ **गफ**–पुस्तकपाठः।

त्वाच्छारीरभेदमध्ये तदुक्तिः पुनरयुक्ता ऽसम्बद्धा चेति वाच्यम् । धनकृतापराधे तद्दण्ड एव नान्य इत्येतदर्थं पुनस्तदुक्तेः । तन्मध्ये लेखस्तु तत्तुल्यत्वप्रतिपादनाय । यद्वा तत्पीडया शरीर-पीडापरोऽयमन्य एव ततो धनदण्डादिति प्रकारान्तरमत्र **मेधातिथि**नोक्तं तत एव बोध्यम् ।

अव्यवस्थानिरासायोक्तेस्तात्पर्यमाह । **एतेषां चेति** । उपस्थादीनां मध्ये इत्यर्थः । उपस्थमत्र स्त्रीपुंसयोः प्रजनोत्पादकम् । यत्र च दण्डविशेषो नाम्नातस्तत्र यस्य यत्कृतापराधः स तत्रैव पीड-नीयः । तत्रागम्यागमने उपस्थनिग्रहः । अभक्ष्यभक्षणे उदरनिग्रह आहारनिवृत्त्यादिना । वाग्द-ण्डपारुष्ये जिव्हायाः, स च छेदः । चौर्ये हस्तयोः । पादजबलवद्यतिक्रमात्[1] पादयोः । राज-दारदिदृक्षायां चक्षुषोः । तदनुलेपनाद्याजिघ्रतो नासिकायाः । राजादिरहस्यं भित्त्याद्यन्तरे शृण्वतः कर्णयोः । महापातकिनो मारणे देहस्येति बोध्यम् ।

ननु आध्याद्यपहारे महादोषे अकिञ्चनस्य धिग्दण्डाद्युक्तमयुक्तं तस्य स्वल्पापराधविषयत्वादतः तत्रैव पक्षान्तरमप्याह । **कर्मेति** । अत्र क्रमोऽप्येवमेव बोध्यः । **मेधातिथ्युक्तेः**, अग्रे ऽशक्ता-वित्युक्तेश्च । अत्र मानमाह । **यथोक्तमिति** । **धनेति** । सर्वथा धनदानाक्षमं ज्ञात्वा स्वाधीनं कर्म कारयेदित्यर्थः । **अशक्तौ** कर्मकरणाशक्तौ । ब्राह्मणादृते इत्युभयोः शेष इति ध्वनयन्नाह । **ब्राह्मेति** । **पुनः** तु । अधिकरणस्य शेषत्वविवक्षया षष्ठी, प्रयोज्यानीत्यस्य कर्त्तव्यानीत्यर्थो वा । **अवृत्ताविति** । **अवृत्तौ** दुराचारेऽन्यायिनि ब्राह्मणे स्वव्यापारनिरोधान्यायप्रख्यापना-दीनि कर्त्तव्यानीत्यर्थः । ब्राह्मणे इति प्रकृतत्वाल्लब्धम् । **नारदेनापीति** । उक्त्वोक्तमित्यत्रा-न्वयः । **वधः** प्राणवियोगानुकूलव्यापारः । 'निर्वासने'त्यस्य नित्यसापेक्षत्वेन 'पुरादिति' विशेषणा-न्वितत्वेऽपि समासः । **तदङ्गेति** । यदङ्गकृतो ऽपराधस्तदङ्गेत्यर्थः । **वधादृते**[2] **इति** । एष दण्डविधिः स्मृत इत्यस्यानुषङ्गः । तदेव विशदयति । **न वधमिति** ।

वधानुकल्पमाह । **शिरस इति** । अत एव **मनुः**, "अब्राह्मणः सङ्ग्रहणे प्राणान्तं दण्ड-मर्हति । (अ. ८ श्लो. ३५९ ।) मौण्ड्यं प्राणान्तिको दण्डो ब्राह्मणस्य विधीयते । इतरेषां तु वर्णानां दण्डः प्राणान्तिको भवेत् ॥ न जातु ब्राह्मणं हन्यात्सर्वपापेष्ववस्थितम् । राष्ट्रादेनं बहिः कुर्यात्समग्रधनमक्षतम् ॥ न ब्राह्मणवधाद्भूयानधर्मो विद्यते भुवि । तस्मादस्य वधं राजा मनसा ऽपि न चिन्तयेत् ॥" इति

(अ. ८ श्लो. ३७९-३८१)

यमोऽपि,

'सर्वेषामेव वर्णानामन्योन्यस्यापराधिनाम् । शारीरं धनसंयुक्तं दण्डं धर्म्यं प्रकल्पयेत् ॥
जगत्सर्वमिदं हन्यात् ब्राह्मणस्य न तत्समम् । तस्मात्तस्य वधं राजा मनसाऽपि न चिन्तयेत् ॥
अवध्याम् ब्राह्मणान् प्राहुः सर्वपापेष्ववस्थितान् । यद्यद्विप्रेषु कुशलं तत्तद्राजा समाचरेत् ॥' इति ।

सुमन्तुरपि, 'नाततायिवधे दोषोऽन्यत्र गोब्राह्मणवधादिति' । **बृहस्पतिरपि**, 'महापातक-युक्तोऽपि न विप्रो वधमर्हति । निर्वासनाङ्कने मौण्ड्यं तस्य कुर्यान्नराधिपः ॥' इति ।

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१ क=पादजे बलवद्यतिक्रमात् । २ फ=वधावृते ।

'वधादृते ब्राह्मणस्य दण्डो भवति कर्हिचित् । अवध्या ब्राह्मणा गावो लोकेऽस्मिन्वैदिकी स्मृतिः॥' इति **स्मृत्यन्तरम**पि । **पुरादिति** । अत एव **मनुः**, "असम्भोज्या असंयाज्या असम्पाठ्याविवाहिनः । चरेयुः पृथिवीं दीनाः सर्वधर्मबहिष्कृताः ॥ ज्ञातिसम्बन्धिभिस्त्वेते त्यक्तव्याः कृतलक्षणाः । निर्दया निर्नमस्कारास्तन्मनोरनुशासनम् ॥" इति । (अ. ९ । श्लो. २३८।२३९) ।

ललाटे चेति । अत एव **बृहस्पतिः**, 'हस्ताङ्घ्रिलिङ्गनयनं जिव्हा कर्णौ च नासिका । ग्रीवा पादार्द्धसन्दंशं ललाटौष्ठं गुदं कटिः ॥ स्थानान्येतानि दण्डस्य निर्दिष्टानि चतुर्दश । ललाटेऽङ्को ब्राह्मणस्य नान्यो दण्डो विधीयते' ॥ इति ।

प्रयाणमिति । अत एव **यमः**, "ब्राह्मणस्यापराधेषु चतुर्ष्वेव विधीयते । शिरसो मुण्डनं दण्डः पुरान्निर्वासनं तथा ॥ प्रख्यापनार्थं पापस्य प्रयाणं गर्दभेन च । ललाटे चाङ्ककरणं कुर्याद्राजा यथाविधि" ॥ इति । **दर्शितेति** । **मनुने**ति शेषः । **गुर्विति** । "ब्रह्महा च सुरापश्च स्तेयी च गुरुतल्पगः । एते सर्वे पृथक् ज्ञेया महापातकिनो नराः ॥ चतुर्णामपि चैतेषां प्रायश्चित्तमकुर्वताम् । शारीरं धनसंयुक्तं दण्डं धर्म्यं प्रकल्पयेत् ॥ इत्यादिः ।" (अ. ९।२३५)। **सुरेति** । सुरासम्बन्धी यो ध्वजः स कार्य इत्यर्थः । **श्वपदं** शुनःपदम् । **अशिराः** कबन्धः । 'ब्राह्मणस्य च ब्रह्महत्यागुरुतल्पसुवर्णस्तेयसुरापानेषु कबन्धभगश्वपादध्वजांस्तसेनायसेन ललाटेऽङ्कयित्वा विषयान्ते निर्वासनमिति' **बौधायनः** । "ब्राह्मणस्यापराधेषु चतुर्ष्वङ्को विधीयते । गुरुतल्पे सुरापाने स्तेये ब्राह्मणहिंसने ॥ गुरुतल्पे भगः कार्यः सुरापाने सुराध्वजः । स्तेये तु श्वपदं कृत्वा शिखि[1]ग्रीवेण पूरयेत् ॥ विशिराः पुरुषः कार्यो ललाटे द्विजघातिनः । असम्भाव्यस्तु कर्त्तव्यस्तन्मनोरनुशासनम् ॥" इति **नारदः** । (प. ४३ । ४४। ४५ ।) । 'शिलाञ्जनं शिखिग्रीव'**मित्यमरः**'। (२–९–१०१) । अस्यापवादोऽपि **मनुनोक्तः** । "प्रायश्चित्तं तु कुर्वाणाः सर्वे वर्णा यथोदितम् । नाङ्क्या राज्ञा ललाटे स्युर्दाप्यास्तूत्तमसाहसम् ॥ आगःसु ब्राह्मणस्यैव कार्यो मध्यमसाहसः । निर्वास्यो वा भवेत् राष्ट्रात्सद्रव्यः सपरिच्छदः ॥" इति (अ. ९ । २४०–२४१) परिच्छदशब्देन पुत्रदारभृत्यहस्त्यश्वादिसम्पदुच्यते । **सपरिग्रह इति** पाठान्तरेऽप्येवम् ।

तदङ्गच्छेदोऽपि ब्राह्मणस्य नास्तीति प्रतिपादयन् विरोधं परिहरति । **यत्त्विति** । **आपस्तम्बेनोक्तमिति** । **आपस्तम्बवचनमिति** पाठान्तरम् । **न चक्षुरुद्धरणमिति** । न चक्षुषोरुद्धरणं तस्यार्थ इत्यर्थः । क्वचित्तथैव पाठः । **मनुं** प्रागुक्तमाह । **अक्षत इति** । **गौतममाह** । **न शारीरो ब्राह्मणे दण्ड इति** । प्रथमादिना प्रागुक्त**मनुगौतम**वचनान्तरपरिग्रहः । द्वितीयादिना, 'न त्वङ्गभेदं विप्रस्य प्रवदन्ति मनीषिणः । तपसा चेज्यया चैव ब्राह्मणः पूयते सदेति ॥' **हारीतस्य** । 'सर्वत्र त्रयाणां वर्णानां धनहारको वधबन्धक्रियारूपयोगो महत्स्वपि पातकेषु विवासकरणं ब्राह्मणस्य प्रायश्चित्तानि वा शोधनमपीड्यो हि ब्राह्मण' इति **शङ्खलिखितयोः**, प्रागुक्तस्मृतीनां च परिग्रहः । सर्वस्वहरणमपि ब्राह्मणस्य नास्ति । 'सद्रव्यः सपरिच्छद' इत्यग्रे, 'इतरे कृतवन्तस्तु पापान्येतान्यकामतः । सर्वस्वहारमर्हन्ति कामतस्तु प्रवासनम् ॥' इति **मनूक्तेः** । (अ. ९ । २४२ ।) त्रयाणां वर्णानां धनापहारवधबन्धनक्रियाविवासनाङ्ककरणं न ब्राह्मणस्येति **शङ्खोक्ते**-

१ क–शिखिपित्तेन ।

श्च । तत्र धनापहारः सर्वस्वापहारो विवक्षितो वधसाहचर्यात् । शारीरस्त्ववरोधादिरिति प्रागुक्त**नारदीये** वधसर्वस्वहरणयोः पाठाच्चेति । तस्मात् ब्राह्मणस्य शारीरः सर्वोऽपि दण्डो नास्ति कदाचिदपि प्रागुक्तस्मृतिकदम्बात् ।

'आचार्यं च प्रवक्तारं पितरं मातरं गुरुम् । न हिंस्यात् ब्राह्मणान्गाश्च सर्वांश्चैव तपस्विनः ॥' (अ. ४ । श्लो. १६२ ।) इति **मनूक्तेश्च** धनदण्डमध्ये सर्वस्वहरणं नास्ति । तदन्यधनदण्डस्त्वस्त्येव । समग्रधनमिति तु प्रकृतसाहसविषयम् । 'ब्राह्मणे साहसः पूर्व' इति **मनूक्तमप्येवम्** । तथा च धिग्दण्डवाग्दण्डौ मौण्ड्यं यत्किञ्चिदर्थदण्डो विवासनाङ्ककरणगर्दभप्रयाणानि च पर्यवसितानि । इदमपि प्रायश्चित्तानिच्छोः । तदिच्छोस्तु तदेव नैतत् । एवं बहुश्रुतस्यापि न किञ्चित् । किं तु स्वयमेव निष्कृतिं कुर्यात् । साऽपि स्वल्पा प्रायश्चित्तप्रकरणे स्फुटीभविष्यति । अत एवात्रापि साक्षिप्रकरणे **मूले** (श्लो. ८१–८२) उक्तम् । "पृथक् पृथक् दण्डनीयाः कूटकृत्साक्षिणस्तथा । विवादात् द्विगुणं दण्डं विवास्यो ब्राह्मणः स्मृतः ॥ यः साक्ष्यं श्रावितोऽन्येभ्यो निह्नुते तत्तमोवृतः । स दाप्योऽष्टगुणं दण्डं ब्राह्मणं तु विवासयेत् ॥" इति स्तेयप्रकरणेऽपि, सचिह्नं ब्राह्मणं कृत्वा स्वराष्ट्राद्विप्रवासयेत् । (व्य. अ. श्लो. २७०) इत्युक्तम् । **मनुनाऽप्युक्तं**, "कौटसाक्ष्यं तु कुर्वाणांस्त्रीन्वर्णान्धार्मिको नृपः । प्रवासयेद्दण्डयित्वा ब्राह्मणं तु विवासयेत्" ॥ इति । (अ. ८ श्लो. १२३)

अस्यार्थोऽग्रे स्फुटीभविष्यति । अत्र प्रवास ओष्ठच्छेदनं जिह्वाछेदनं प्राणवियोजनं चेति यथायथं बोध्यम् । विवासो निष्काशनं नग्नीकरणं वा गृहभङ्गो वेति यथायथं बोध्यम् । तत्रेयं व्यवस्था । लोभादिकारणविशेषपरिज्ञानेऽनभ्यासे च ब्राह्मणस्यापि तत्र तत्रोक्तोऽर्थदण्ड एवाभ्यासे त्वर्थदण्डो विवासनं च । तत्रापि जातिद्रव्यानुबन्धाद्यपेक्षया विवासनं नग्नीकरणं गृहभङ्गो देशान्निर्वासनं चेति व्यवस्था द्रष्टव्या । लोभादिकारणविशेषापरिज्ञानेऽभ्यासे चाल्पविषये कौटसाक्ष्ये ब्राह्मणस्यापि क्षत्रियादिवदर्थदण्ड एव । महाविषये तु देशान्निर्वासनमेव । अत्राप्यभ्यासे सर्वेषामेव मनूक्तं बोध्यम् । अकिञ्चनस्य तु तस्य निमित्ततारतम्येन मौण्ड्याङ्ककरणगर्दभप्रयाणधिग्दण्डवाग्दण्डाः क्रमेण बोध्या इति । न च समग्रधनमित्याद्युक्त्या ब्राह्मणस्यार्थदण्डो नास्तीति वाच्यम् । अर्थदण्डाभावे शारीरदण्डे च निषिद्धे स्वल्पेऽप्यपराधे सधनस्य नग्नीकरणगृहभङ्गाङ्ककरणविप्रवासनं दण्डाभावो वा प्रसज्येत, यतः 'चतुर्णामपीति' प्रागुक्तस्मृतेः । 'सहस्रं ब्राह्मणो दण्ड्यो गुप्तां विप्रां बलाद्व्रजन् ।' इति स्मृतेश्चेति दिक् । एवं कर्मकारणबन्धनागारप्रवेशावपि ब्राह्मणस्य नेति सिद्धम् । तदेतदभिप्रेत्याह । **इत्यलं प्रसङ्गेनेति** ॥ २६ ॥

अव्यवहितेन सङ्गत्यभावाद् व्यवहितेन सङ्गतिमाह । **स्वत्वेति** । 'पश्यतोऽब्रुवत' इत्यत्रेति भावः । **भोगमात्रस्य** केवलभोगस्य । एवमग्रेऽपि । आद्यपादार्थं शाब्दं स्वत्वोपपादकहेतोरागमस्य भोगात्प्राबल्यरूपं विशिष्टभोगस्य स्वत्वे प्रामाण्यमभिप्रायतोऽभिधास्यन्नाह । **स्वत्वेति** । तत्र हेतुमाह । **स्वत्वेति** । भोगस्य स्वत्वे प्रामाण्यस्य[1] प्रतिग्रहादिसापेक्षतया, प्रतिग्रहादेस्तु स्वत्वो-

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१ ख–प्रामाण्यप्रतिग्रहादिसापेक्षतया ।

त्पत्तौ भोगानपेक्षतया सापेक्षनिरपेक्षयोर्निरपेक्षं बलीय इति न्यायेनागमस्य प्रतिग्रहाद्यात्मकस्य ततो बलीयस्त्वमिति भावः । अत्र मानमाह । **यथाहेति** । यथाकथंचिदागमस्यापि न तद्धेतुत्वमित्याह । **विशुद्धेनेति** । कापव्यरहितेनेत्यर्थः । इदमेव व्यतिरेकमुखेन द्रढयति । **अविशुद्धेति** । तदेव विशदयति । **न चेति** । न हीत्यर्थः । एवं चेदमयुक्तमेवेति शङ्काशयः । समाधत्ते । **परेति** । तथा च तस्य तद्व्यभिचारित्वेन न तत्त्वमिति तद्युक्तमेवेति भावः । अत्रापि **नारद**मेवाह । **अत एवेति** । स्मर्यते इत्यत्रान्वयः । **केवलतः** केवलं । सार्वविभक्तिकस्तसिः । अस्यैव व्यवच्छेद्यमाह । **नागममिति** । **क्वचित्** क्वचिदपि । यद्वा **क्वापि** व्यवहारविषये । **भोगेति** । भोगच्छलस्योपदेशेन कथनेनेत्यर्थः । छलापदेशेनेत्यपपाठः, पौनरुक्त्यापत्तेः । फलितमाह । **अतश्चेति** । तस्य ततो बलवत्त्वाच्चेत्यर्थः । तत्र तावत्सामान्यत आह । **सागम इति** । सागमः विशुद्धागमसहितः[1] । **दीर्घेति** । बहुव्रीहिः । एवमग्रेऽपि । **अविच्छेदः** निरन्तरः । **अपरिवर्जितः** निराक्रोशः । **विच्छेदोपरवोज्झित** इति पाठे विच्छेदश्चापरवश्च ताभ्यामुज्झितः रहितः चाविच्छेदोऽपरवोज्झित इति पाठस्तु युक्त एव । अपरव आक्रोशः । विच्छेदरहितो निरन्तरः । अपरवरहितो निराक्रोशः । **प्रत्यर्थीति** । व्यधिकरणपदो बहुव्रीहिः । **अपिः** प्रकृतान्यसमुच्चायकः ।

उक्तपञ्चविशेषणानां व्यवस्थार्थं पूर्वावतारितवचनस्यैव द्वितीयपादमभिप्रायतो व्याख्यातुमवतरणमाह । **क्वचिच्चेति** । *कपिञ्जलाधिकरणन्यायेन वक्ष्यमाणवाक्यकदम्बानुरोधेन चाह । **त्रयाणामिति** । नित्यसापेक्षत्वाद्वृत्तिः । सम्भवत्येकवाक्यत्वे इति न्यायेनाह । **आगम इति** । तात्पर्यार्थमाह । **स पुनरिति** । **स** पूर्वक्रमागतो भोगस्त्वित्यर्थः । आगमादित्यादे[2]स्तात्पर्यार्थमाह । **आगमेति** । शाब्दस्तु प्राग्वत् । अत्र आगमनैरपेक्ष्यं तज्ज्ञाननैरपेक्ष्यकृतं, न तु तत्सत्तानैरपेक्ष्यकृतमिति विशेषमाह । **तत्रापीति** । आगमनिरपेक्ष इत्यत्रापीत्यर्थः । **बोद्धव्य**मित्यत्रान्वयः । तत्रापि कश्चिदागमोऽस्तीत्यागमसद्भावज्ञानापेक्षा न तु अयम् आगम इति शृङ्गग्राहिकतया तज्ज्ञानापेक्षेति भावः ।

नन्वेवमपेक्षितसत्तासद्भावे किं मानमत आह । **सत्ता त्विति** । **तेनैव** विशिष्टेनोपभोगेनैव । नन्वेवमन्योन्याश्रयप्रसङ्गः । तथाहि प्रमाणभूतेन तादृशभोगेनागमसत्ताऽवगतिः आगमसत्ताऽवगतौ तत्सहकृतभोगस्य प्रामाण्यावधारणमिति[3] । अत्राहुः । चिरकालोपभोगानुपपत्तिरूपार्थापत्त्याऽऽगमसत्ताऽवगतिः[4] । तस्यामवगतायां तत्सहकृतभोगस्य प्रामाण्यनिश्चय इति साक्षात्प्रमाणभूतेन भोगेनागमसत्ताया अनिश्चयान्नान्योन्याश्रयः । **तेनैवेत्यस्य** तु तद्द्वारकार्थापत्तिरूपप्रमाणेनैवेत्यर्थ इति नासङ्गतिः । तथा च 'आगमो ऽभ्यधिक' इत्यत्र पादभेदेन द्विविधभोगस्य प्रामाण्यमभिमतं **मुनेः** । स्मार्तकालिकः अस्मार्तकालिकश्च सः । तदुभयं विभज्य योग्यतया व्यवस्थार्थमपवादविषयनिर्णयं विना नोत्सर्गविषयनिर्णय इति व्युत्क्रमेणाह । **विनेति** । **प्रदर्श-**

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१ फ-विशुद्धागमसहित । * पू. मी. अ. ११ । पा. १ अधि. ६ । २ ख फ-आगमादेः । ३ ख फ-प्रामाण्यमिति । ४ फ-चिरकालोपभोगा उपपत्तिरूपार्थापत्त्याऽऽगमसत्तावगतिः । ग-चिरकालोपभोगेनागमसत्तावगतिः । आगमसत्तानुपपत्तिरूपार्थापत्त्याऽऽगमसत्तावगतिः ।

नार्थमिति । विषयेत्यादिः । तथा सति आद्यचकारस्तर्ह्यर्थे । अस्य तदपवादत्वे सतीति तदर्थः । अत एव सामान्यविशेषपर्यवसानेनाह **। आगम इति** । द्वितीयचकारस्त्वर्थे । **स्मार्त्तेति** । स्मरणयोग्येत्यर्थः । अस्मार्त्तकालिको भोग आगमज्ञाननिरपेक्षः स्मार्त्तकालिकस्तु आगमज्ञानसापेक्ष इति भावः ।

नन्वेकस्यैव भोगरूपप्रमाणस्य क्वचित्तत्सापेक्षत्वं क्वचिन्नेति कुतोऽवगतमित्यतो मौलक्रमेण सान्निध्याद् व्युत्क्रमेण द्वितीयमेव सहेतुमाह । **अतश्चेति** । उभयोरुक्तरीत्या विषयभेदाच्चेत्यर्थः । वस्तुतः स्मृत्यभावेऽपि तत्त्वस्येष्टत्वादाह । **योग्ये इति** । अभावप्रत्यक्षे योग्यानुपलब्धेः कारणत्वस्य तन्त्रान्तरे प्रसिद्धत्वादाह । **योग्यानुपेति** । स्मरणयोग्ये काले प्रतिग्रहादिरूपस्यागमस्य प्रमितियोग्यत्वे सत्यपि तदभावादागमाभावनिश्चयः । सिद्धे च तस्मिन्केवलभोगस्य बलात्कारेणापि सम्भवेनाप्रामाण्यप्रसङ्गात्तत्सापेक्षत्वमावश्यकमिति भावः ।

अथाद्यं तादृशमाह । **अस्मार्त्तेत्विति** । अस्मरणयोग्ये इत्यर्थः । एतद्विशेषणाभावेऽपि विशेषणान्तरसत्ता ऽपेक्षितैवेत्याह । **सन्तत इति** । निरन्तर इत्यर्थः । इदमुपलक्षणं दीर्घकालादेरपि । योग्यत्वे सत्यनुपलब्धिर्योग्यानुपलब्धिः । अस्मृतियोग्ये काले प्रतिग्रहादिरूपस्य तस्य प्रमायोग्यत्वाभावादेव योग्यानुपलब्ध्यभावः । अतस्तेनागमो नास्तीति निश्चेतुं न शक्यते । अभावग्राहकप्रमायोग्यत्वाभावादेव[1] योग्यानुपलब्धेरभावात् । एवं च पूर्वत्र[2] । तत आगमाभावनिश्चयेन यद्यपि भोगो न प्रमाणं मूलशैथिल्यात्, तथापि[3] प्रकृते आगमाभावनिश्चयाभावात् मूलशैथिल्याभावेन तन्निरपेक्षत्वमिति तादृशो भोगः प्रमाणमित्यर्थः ।

क्रिया प्रमाणम् । **अनुगमेति** । तन्निश्चयाभावादित्यर्थः[4] । ये गत्यर्थास्ते ज्ञानार्था इति भावः । **क्रमात्** प्रपितामहादिक्रमेण । स्मार्त्तकालस्य परमावधिमाह । **स्मार्तश्चेति** । अनुगमस्य साकाङ्क्षत्वात्तां पूरयन् प्रागुक्तैकवाक्यतायै सप्रतीकं तत्पदं व्याचष्टे । **अनुगमेति** । इतीत्यस्यार्थ इति शेषः ।

विशेषं वक्तुं, विना पूर्वेत्यस्य विषयं, सविशेषमुपसंहरति । **अतश्चेति** । उक्तहेतोश्चेत्यर्थः । **वर्षेति** । अनेन दीर्घकालत्वमुक्तम् । **सन्ततो** निरन्तरः । **अप्रतिरवः** निराक्रोशः । **प्रत्येति** । प्रत्यर्थिन[5] इत्यादिः । भोगस्य विशेषणान्तरमाह । **आगमेति** । उक्तरीत्येत्यादिः । **आक्षिप्तेति** । बहुव्रीहिः । गम इति पाठः । ततश्च पञ्चविशेषणमध्ये सागमत्वं स्मार्तकालविषयम् । अन्यच्चतुष्टयं तदन्यविषयमिति व्यवस्था सिद्धा । तं विशेषमेवाह । **अस्मार्तेऽपीति** । अत्र मानं **मनु**माह । **अत एवेति** । तस्यां सत्यां तस्याप्रमाणत्वादेवेत्यर्थः । अन्यथाऽनागमोपभोगे विशेषेण[6] दण्डविधानं **मनू**क्तमयुक्तं स्यादिति भावः ।

ननु '**बहून्यब्दे**'त्यत्र अपिः समुच्चये, तथा चोक्तम्, 'अपिः सम्भावना[7]निवृत्त्यपेक्षासमुच्चयगर्हाशीःसमर्थभूषणप्रश्नेष्विति,' तथा च बहून्यब्दशतान्यभिव्याप्यापि[8] य उपभुङ्क्ते स दण्ड्य

१ क ख–अभावग्राहकप्रमाणस्य । २ क–पूर्वं । ३ क–तथापि प्रकृते तु; ख–प्रकृते तु । ४ क ख फ–तन्निश्चयज्ञानाभावात् । ५ ग–अर्थिनः । ६ फ–विशेषदंडविधानम् । ७ ख ग फ–संभावनविवृत्यपेक्षा... ८ ग फ–बहूनब्दशब्दशतानभिव्याप्य ।

इत्यर्थेनैककर्तृकानेकवर्षोपभोगे एव समुच्चयस्य सम्भवो नान्यथेत्यपिशब्दबलादुपभोक्तुरेकत्वं प्रतीयते । तथा य इत्याद्येकवचननिर्देशादपि । तथा च य एकश्चिरकालमनागममुपभुङ्क्ते स दण्ड्य इत्येकस्यैव दण्ड्यत्वं न बहूनां, पितृपरम्परायातभोगे तु भोक्तॄणामनेकत्वादीदृशैकभोक्तुरभावेन प्रथमस्यानागमेनोपभोक्तुरेकत्वेन तस्यैव चोरसदृशदण्डो न द्वितीयादेरिति, तत्र भोगस्य प्रामाण्यापत्त्याऽनागमस्मृतिपरम्परायां भोगो न प्रमाणमिति यदुक्तं तदयुक्तमित्याशयेन शङ्कते । **न चानागमं त्विति** । यद्वाऽपिशब्दः समर्थवाची, उक्तहेतोः । तथा चानागमचिरकालोपभोगे यः समर्थः स एव दण्ड्यो नान्य इत्यर्थेन प्रथमस्यैव समर्थत्वेन द्वितीयादेः परम्परायातभोगत्वे तादृशसामर्थ्याभावात्प्रथम एव दण्ड्य इत्याशयेनाशङ्कते । **न चानागमं त्विति** । **प्रयोगात्** प्रयोगाच्च । **प्रथमस्य** तस्यैव । इदमन्त्ये परम्परायातभोगविषयम् । अपिनैकमात्रकर्तृकानेकवर्षोपभोगसमुच्चयः । आद्ये त्वस्य साधारणत्वादपिना तद्वदल्पकालोपभोगसमुच्चयः ।

इष्टापत्तिं निराचष्टे । **न चैतदिति** । नहीत्यर्थः । **कारणं** क्रिया । प्रमाणमिति यावत् । **नारदेति** । मध्येऽपि सागमाया एव भुक्तेः प्रामाण्यबोधक**नारद**वचनादित्यर्थः । य इत्यत्रोद्देश्यगतत्वेनैकत्वस्याविवक्षितत्वाच्चेत्यपि बोध्यम् । तथा च सर्वत्र सागमभुक्तेः प्रामाण्यमिति । द्वितीयादावपि निरागमोपभोगे दण्डो दुर्निवार इत्यनागमस्मृतिपरम्परायां सत्यां भोगो नैव प्रमाणमिति सिद्धम् । तदेतदुपसंहरति । **तस्मादिति** । **सर्वत्र** आदौ मध्येऽन्ते चेत्यर्थः । एवं चापिः सम्भावने, न समुच्चये नापि समर्थे इति । बह्वब्दशतव्यापित्वेन यस्य भोगः सम्भाव्यते स चेन्निरागमस्तर्हि तादृशोपभोगवानपि पुरुषो दण्ड्यः किमुतानागमाल्पभोगवानिति तात्पर्यार्थः ।

नन्वस्मरणयोग्यकालिकस्य पूर्वक्रमायातस्यैव भोगस्यागमज्ञाननिरपेक्षस्य प्रामाण्यमिति यत्सिद्धान्तितं तदयुक्तम् । '**अन्यायेनापीति वाक्ये**'ऽन्यायेनापि पित्रा यद्भुक्तं तथा पूर्वतरैस्त्रिभिर्यद्भुक्तं तत्रोभयत्रापि प्रत्यपहारो न शक्य इत्युक्त्याऽनागमोपभोगस्य स्मरणयोग्यकालिकस्यापि प्रामाण्यप्रतीतेरित्याशयेनाह । **यदप्यन्यायेनापीति** । अत्रान्यायेनापीति निरागमभोगस्य प्रामाण्यप्रतिपादकं, पित्रेति स्मरणयोग्यकालिकस्येति भावः । स्मार्तकालिकोपभोगस्य तन्निरपेक्षस्य न प्रामाण्यमिति प्रागुक्तरीत्यैव परिहरति । **तदपि पित्रा सहेति** । अयं भावः । पित्रा यद्भुक्तमिति न पृथगन्वयो, येन पित्रुपभोगस्य स्मार्तकालिकत्वेन तादृशनिरागमोपभोगस्य प्रामाण्यं स्यात्, अपि तु सहार्थयोगे इयं तृतीया । तथा च पित्रा सह पूर्वतरपुरुषत्रयोपभोगे क्रमेणाविच्छिन्ने तादृशे जाते तत्क्षेत्रादिकं तस्मादपहर्तुं न शक्यमिति प्रागुक्तैकवाक्यतया सम्भवतीति न्यायेन चैकवाक्यत्वेऽनेकपुरुषोपभोगस्य चिरतरकालं विना ऽसम्भवेनास्मार्तकालिकोपभोगस्य प्रामाण्यमुक्तमिति न निरागमस्य स्मार्तकालिकोपभोगस्य प्रामाण्यमिति ।

ननु त्रिपुरुषागतमित्यनेनानेकपुरुषोपभोगलाभेऽपि कथमस्मार्तकालोपभोगलाभोऽत आह । **तत्रापि क्रमादिति** । लक्षणेति भावः । शक्यार्थत्यागे बीजमाह । **त्रिपुरुषेति** । पात्रादित्वात् स्त्रीत्वाभावस्तत्रात्र च । एवं **पूर्वकातीये**ऽपि । प्रसङ्गादिति पाठः । प्रसङ्ग इति पाठे यत

१ ग—ईदृशभोक्तृत्वस्याभावेन । २ क ख—प्रथमम । ३ फ—इदमंते । ख—इदं परंपरा यात...

इत्यादिः । इष्टापत्तिं निराचष्टे । **तथा सतीति** । नन्वस्तु अस्मार्तकालिको भोगः प्रमाणमिति, तथाऽपि तस्यागमसत्तासापेक्षत्वेनान्यायेनापीत्युक्तिः कथमत आह । **अन्यायेनापीति** । चस्त्वर्थे । तत्र बीजमाह । **अपीति** । अन्यथा तदानर्थक्यं स्पष्टमेव ।

नन्वस्मार्त्तकालिकी भुक्तिरागमज्ञानं नापेक्षते तत्सत्तां त्वपेक्षत एवेत्युक्तमयुक्तं, यद्विनाऽऽगममिति वाक्येऽत्यन्तमित्युक्त्या सर्वात्मना भुक्तेस्तन्नैरपेक्ष्येण प्रामाण्यप्रतीतेरित्याशयेन शङ्कते । **यच्चोक्तमिति** । यदप्युक्तमित्यर्थः । अत्यन्तभुक्तमागमं विनेत्यन्वयः । प्रागुक्तरीत्या परिहरति । **तत्रापीति** । उक्तवाक्येऽपीत्यर्थः । **इति** वाक्यम् । **अत्यन्तम्** अतिशयेन । उक्तहेतोः शेषमाह । **उपेति** । **पुनस्त्वर्थे** । आगमस्वरूपमपि विनेत्यर्थः । व्याख्येयमित्यस्यानुषङ्गः । अत्र हेतुमाह । **आगमेति** । यत इत्यादिः । अयं भावः । सर्वात्मना ऽऽगमज्ञानस्यास्मार्तकालिकोपभोगे ऽपेक्षाया अभावादत्यन्तं सर्वात्मना आगमज्ञानं विना ऽस्मार्त्तकालिकोपभोगे सति यद्भुक्तं वस्तु तदपाहर्तुं न शक्यमित्येव वाक्यार्थो न तु वस्तुत आगमसत्तां विनाऽप्युपभोगात्स्वत्वमस्तीति, येन प्रागुक्तविरोधः स्यादिति उक्तवद्विरोधमत्रापि परिहरति । **क्रमादिति** । **उक्तार्थमिति** । अस्मार्त्तकालोपलक्षकत्वेनोक्तार्थकमित्यर्थः । तत्सिद्धमस्मार्तकालिक उपभोग आगमज्ञाननिरपेक्षः प्रमाणं स्मार्त्तकालिकस्तु तत्सापेक्षस्तथेति ।

तत्रान्त्यमाक्षिपति । **नन्विति** । **प्रामाण्येति** । प्रामाण्यं यदुक्तं तदनुपपन्नमित्यर्थः । अनुपपत्तेः स्फुटतयाऽऽभासात्तामुपपादयति । **तथा हीति** । यमागममपेक्षते भोगः स किं प्रमाणान्तरेणावगतोऽथ वा नेति विकल्पं हृदि निधायाद्ये दोषमाह । **यद्यागम इति** । **प्रमाणान्तरेण** भोगान्येन प्रत्यक्षादिना । **तेनैव** मानान्तरावगतागमेनैव । मानान्तरावगतत्वेनानुपयुक्तत्वादाह । **आगमेवेति** । तथा च मानान्तरप्रमिते उभयत्र ज्ञापकत्वासम्भवेनानुत्पादकत्वेन चाप्रामाण्यात्तत्सापेक्षो भोगः प्रमाणमिति दुर्वचमिति भावः । द्वितीये दोषमाह । **अथेति** । अनवगतागमेन वैशिष्ट्यासम्भवादिति भावः । प्रथमपक्षादरेऽपि कालविशेषे तदुपयोग इत्याह । **प्रमाणान्तरेणेति** । मानान्तरेणैवागमावगमो यद्यपि तथापि तादृशागमविशिष्ट एव भोगः प्रतिग्रहाद्युत्तरभाविनि कालान्तरेऽपि स्वत्वबोधक इति भावः ।

ननु तथाऽवगतागमेनैव स्वत्वावबोधे किं भोगेनेत्युक्तमेवात आह । **अवगतोऽप्येति** । **अलं** समर्थः । उपसंहरति । **इतीति** । कुत इत्यत आह । **मध्ये इति** ।

अव्यवहितसङ्गतिमाह । **आगमेति** । प्रमाणमित्यस्य स्यादिति शेषः । **स्तोका**ऽपीत्यस्य व्याख्या **स्वल्पापीति** । **बल**मित्यस्य व्याख्या **सम्पूर्णमिति** । ननु अस्योदाहरणं किमत आह । **अयमिति** । द्वितीयचस्त्वर्थे । **तत्र** तेषां मध्ये । **सविकल्पेति** । स तु स्वीकारो मदीयमेतदित्याद्यभिवदनविषयकस्तज्जन्यो वा सविकल्पकज्ञानरूप इत्यर्थः । यद्वा स इति भिन्नं पदं, वाचिकस्तु स स्वीकारो यस्तादृशस्सविकल्पात्मकज्ञानरूप इत्यर्थः। **पुनः** तु । **तत्र च** उक्तरूपकायिकस्वीकारे च । **करे** शुण्डादण्डे । **दापयेत्** दद्यात् । स्वार्थे णिच् । निवृत्तप्रेषणादिति प्रकारो वा ।

अनुमन्त्रयेतेति । प्रतिग्राह्यो यदा प्राणी बलवान् वक्तुं समर्थस्तदा तं प्रतिग्राह्यं प्रतिग्रहीता अनुमन्त्रयेत, अमुक त्वं मदीयोऽसीति, सोऽपि ब्रूयादहं भवदीयोऽस्मीति । यदा

प्रतिग्राह्यमप्राणि अभिवदनानभिज्ञं गवादि प्राणिष्वपि कन्या च, तदुभयं प्रतिग्रहीताऽभिमृशेत् स्पृशेदुक्तस्थले इत्यर्थः । प्रकृतमाह । **तत्रेति** । तेषां मध्ये इत्यर्थः । **पुनः** तु । **तत्सहितादिति** । कायिकस्वीकारसहितागमापेक्षयेत्यर्थः ।

ननूपभोगसहितागमापेक्षयोपभोगरहितस्यागमस्य दुर्बलत्वे यत्रैकमेव क्षेत्रमेकस्याधीकृत्य पुनरन्यस्याप्याधीकरोति तत्र यदि दैवात् पूर्वस्य भोगाभाव उत्तरस्य तु भोगोऽस्ति तत्रापि भोगरहितागमस्य दौर्बल्यं स्यात्तथा चाधौ प्रतिग्रहे इति वचनविरोधः स्यादत आह । **एतच्चेति** । सिद्धान्तितमुक्तरूपमित्यर्थः । इतीत्यस्य बोध्यमिति शेषः ।

यद्यप्यागमोऽभ्यधिक इत्यस्य पूर्वमीषद्व्यवहितसंगत्या व्याख्यानं कृतं, तथाऽपि तन्न युक्तं, व्याख्याकृदुक्तार्थसङ्गतिलाभेऽपि मूलसङ्गत्यलाभात् । किं च प्रतिपादितार्थस्य तात्पर्यविषयतया यथाकथञ्चित् योजनेऽप्यशाब्दत्वेन स्वारस्यानावहत्वात् । अतस्तत्प्रकारान्तरेण ततोऽपि व्यवहितसङ्गत्या शब्दमर्यादया व्याचष्टे । **अथवेति** । **समवाये इति** । एतेषां लिखितादीनां समवाये मेलने इत्यर्थः । सर्वेषां सम्भवे इति यावत् । इदमर्थमाह । **आगम इति** । प्राग्वत् द्वितीयपादार्थमाह । **पूर्वेति** । पूर्वक्रमायातभोगान्यभोगापेक्षयाऽऽगमो बलवानित्यर्थः । पूर्वक्रमागतभोगस्य विजातीयागमापेक्षया क्वचित् बलवत्त्वम् । तत्तात्पर्यविषयमाह । **स पुनरिति** । स त्वित्यर्थः । अत एव वचनेऽन्यथाक्रमसत्त्वेऽपि अत्रानुवादेऽन्यथा पठितम् एतद्वचनक्रमेण द्वितीयार्धं तात्पर्यतो व्याचष्टे । **मध्यमेत्विति** । अपिर्बहुभोगसहितपरिग्राहकः । प्रतियोग्यन्तराभावेन स्वापेक्षया केवल[1]मस्याः प्राबल्यासम्भवेन च योग्यतया ऽभुक्तितो भुक्तेः प्राबल्यमनेन बोध्यत इति भावः । पूर्वार्धमेव समवायविषयमिति तात्पर्यम् । **इति** व्याख्यानसमाप्तौ ।

अत्र मानमाह । **एतदेवेति** । एतेन प्रागुक्तव्यवच्छेदः । चतुर्थपुरुषविषयमाह । **कारणं भुक्तिरिति** । एवेन प्रागुक्तागमव्यवच्छेदः । **सन्तता** निरन्तरा । **चिरन्तनी** दीर्घकाला । चिरन्तनेति पाठे आर्षत्वाट्टाप् ॥ २७ ॥

याज्ञवल्कीये २८ श्लोकः

१ । तस्य तत्सङ्गतत्वादेव तेन उत्तरसङ्गतिमाह । **पश्यत इति** । **उक्तमिति** । सिद्धान्तमतेनेति भावः । **तत्र** तथा सति । अन्वये दृष्टान्तः । **दर्शयितुम्** अनेनैव तात्पर्यतः प्रतिपादयितुम् । अयं भावः । आद्येन पुरुषेण प्रतिग्रहादिकमेवोपन्यसनीयं द्वितीयेनाविच्छिन्नाप्रतिरवसमक्षत्वादिविशेषणविशिष्टो भोग एवोपन्यसनीयः तृतीयेन समक्षत्वादिविशेषणवैशिष्ट्यं विनाऽपि क्रमागतभोगमात्रमुपन्यसनीयमिति नियमस्यानेन विधेर्नियमातिक्रमे दण्डविधानमप्यर्थसिद्धमेवेति दण्डव्यवस्थाप्रतिपादकत्वमुपपन्नमेव । एतेनात्र वचने दण्डव्यवस्थाविध्यभावादिदमयुक्तमित्यपास्तमिति ।

स्वीकार इति । प्रतिग्रहादिनेति भावः । **अभियुक्तः** परेण । क्षेत्रादिकमिति पाठः । **तथा च प्रतिग्रहादेरिति** तस्योत्तरमुक्त्वा तथा कार्यमिति भावः । 'प्रतिग्रहादेरितीति' पाठे

[1] क–केवलस्यस्य ।

इत्युक्त्वा तमागममर्थात् प्रतिग्रहादिकमित्यर्थः । यथाश्रुतार्थासम्भवादाह । **भावयेदिति** । प्रतिपादयेदित्यर्थः । अङ्गीकारयेदिति वा । अस्य तात्पर्यार्थमाह । **अनेन चेति** ।

'**न** तत्सुत' इत्यंशं शेषपूरणेन सानुषङ्गेण व्याचष्टे । **तत्सुत इति** । अत्र प्रागुक्तविशेषणचतुष्टयमध्ये दीर्घकालत्वमग्रे, तद्भिन्नमत्रेत्याह । **अविच्छिन्नेति** । **भोगमिति** । उद्धरेदित्यस्यानुषङ्गः । एवमग्रेऽपि । **विशिष्टं भोगं** स्वोक्तम् । तत्सुतो वेत्यत्र **वा** चार्थे इत्याशयेन तमंशं व्याचष्टे । **तत्सुत इति** । **वा** अप्यर्थे इति, **नापि विशिष्टमिति** । विशिष्टभोगानुद्धरणे चेति पाठः ।

तुर्यपादमव्यवहितोभयशेषत्वेन व्याचष्टे । **तत्रेति** । अस्य व्याख्या **तयोरिति** । **तत्रापीति** । तद्व्याख्या **द्वितीयेति** । सर्वं वाक्यमिति न्यायेनाह । **भुक्तिरेवेति** । प्रकर्षस्य प्रतियोगिसापेक्षत्वेन तत्स्वारस्येन लब्धमाह । **तत्रापीति** । तयोर्मध्येऽपीत्यर्थः । परमतात्पर्यमाह । **त्रिष्वपीति** । अस्य पूर्वतः स्वरसतो लब्धत्वादत्र मानमाह । **उक्तं चेति** । पादत्रयस्योक्त एवार्थः । **भोग्येति** । अर्थहानिस्तदनुद्धरणे द्वितीयतृतीययोरपीत्यर्थः । अपिनाऽऽद्यस्य समुच्चयः ॥ २८ ॥

याज्ञवल्कीये २९ श्लोकः

। सङ्गतिमाह । **अस्मार्तेति** । **पुनः** तु । यदर्थमाह । **आहर्त्रादिरिति** । आहर्त्रादिभिरभीति पाठः । अभियोगनिमित्तसूचनायाहर्त्तुरुपादानं, तदसम्भवात् आदिना तत्पुत्रादिग्रहणम् । आर्थिकमाह । **अकृतेति** । **परेत** इत्यस्य परमित इति । व्युत्पत्तिलभ्यमर्थमाह । **परलोकमिति** । तदः[1] प्रकृतबुद्धिस्थपरामर्शित्वादाह । **आगममिति** । अत्रोत्तरार्द्धे हेतुरिति, यस्मादिति शेषेण व्याचष्टे । **यस्मादिति** । तत्रेत्यस्य व्याख्या तस्मिन्नित्यादि । आगमेन विनेत्यस्य व्याख्या **ऽऽगमेति** । कृतेत्यस्य व्याख्या **साक्ष्यादीति** । **न प्रमाणमिति** । अत इति शेषः । यस्मादित्यस्यार्थमाह । **पूर्वेति** । एवं चात्रागमज्ञानसापेक्षस्य तस्य प्रामाण्यमिति भावः ।

नवा[2] ऽऽरूढेति । आरूढविवादस्य प्राप्तविवादस्य व्यवहारिणः प्रेतस्य मृतस्य सम्बन्धिना पुत्रेण सोऽर्थो विवादास्पदीभूतः संशोध्यः आगमेन संसाध्यो यतस्तमर्थं भोगो न निवर्तयेत् प्रत्यावर्त्तयेत् । भोगस्तत्र प्रमाणं न भवतीति यावदित्यर्थः ॥ २९ ॥

याज्ञवल्कीये ३० श्लोकः

। अव्यवहितेन सङ्गतिमाह । **अनिर्णीतेति** । **निवर्तते** संसाध्यत इति पाठान्तरम् तेन[3] नापगच्छति प्रवर्तत एवेत्यर्थः । **व्यवेति** । पुनरित्यादिः क्वचित्तथा पाठ एव । **अथ** चार्थे । नृपेणाधिकृता इति भिन्नमित्याशयेन वाक्यार्थज्ञानोपयोगितया आदौ पदार्थानाह । **नृपेणेति** । प्रकृतयोग्यतया ऽऽह । **व्यवेति** । ते के इत्यत आह । **राज्ञेति** । आकाङ्क्षाशान्तये ऽसाङ्कर्याय चाह । **भिन्नेति** । **नानेति** । उभयोः सङ्ख्याता इत्यत्रान्वयः । इदमुभयं स्वरूपकीर्त्तनमिति सूचयन् आवश्यकम् उभयशेषमाह । **एकजातीयेति** । तत्राद्योदाहरणं, **द्वेडेति** ।

१ तच्छब्दस्य । २ क—नथाऽऽरूढेति । तथाशब्दः पूर्वसमुच्चये । ३ फ='न निवर्तेत' इति पाठे ।

देशाद्देशातरं गत्वा प्रस्थाप्य वा ऽश्वविक्रेतारो **हेडाबुकाः**[1] । गुर्जरदेशे प्रसिद्धोऽयम् तत्र शब्दः । द्वितीयोदाहरणं **ताम्बूलिकेति** । तद्विक्रेतेत्यर्थः । **कुविन्द**स्तन्तुवायः । आदिना तक्षादयः । सङ्घाता इत्यस्यानुषङ्गः । सम्बन्धी जामात्रादिः ।

मूले **अथ**शब्दश्चार्थे । अथ वाक्यार्थमाह । **एतेषामिति** । चतुर्णां मध्ये इति शेषः । पूर्वत्वं न कारणत्वादिकृतं किन्तु पाठकृतमित्याह । **यद्यत्पूर्वं पठितमिति** । कुत्रेत्याह । **नृणामिति** । प्रकृतेर्[2]योग्यत्वादाह । **व्यवेति** । योग्यतया व्यवहारशब्दो दर्शनपरः । कर्मकि-प्रत्ययान्तो[3] विधिशब्द इत्याह । **व्यवहारेति** ।

अवतरणोक्तं स्पष्टयितुं तात्पर्यार्थमाह । **एतदिति** । **कुदृष्टे**त्यनेन वास्तवासन्तोषबीजनिरासः जातव्यवहारस्य यथार्थत्वं च सूचितम् । व्युत्क्रमेण व्यतिरेकमाह । **कुलेति** ।

। विशेषं स्वल्पमाह । **नारदेति** । **पुनः** तु । यद्यप्यत्र गणा इति पठितं, मूले च पूगा-इति, अस्ति च तयोर्भेदः; तत्र पूगस्वरूपमुक्तं सर्वेषां हीनवर्णानां सङ्घातो गणः अत एव पूग-श्रेणिगणादीनामिति प्राक् उक्तं, तथापि तत्स्थाने मुनिद्वयप्रामाण्यादुभयोर्विकल्पेन ग्रहणम्, अत एव चतुर्णामिति व्याख्याकृदुक्तिसङ्गतिः । यद्वा गणाश्चेति **चेन** तदग्रे पूगानां समुच्चयः । मूले ऽथशब्दस्य चार्थस्य पूगा इत्यत्रान्वयेन तदग्रे तेन तेषां समुच्चय इति एकवाक्यतैव, नारदेन पुनरित्यादि वदता व्याख्याकृता प्रागुक्तचतुष्टयं नाभिमतमिति सूचितमेवेति बोध्यम् । **नृप इति** पाठः । **प्रतिष्ठा इति** । व्यवहारदर्शनानां स्थानानीत्यर्थः ।

। तथा सति विशेषमाह । **तत्र चेति** । तेषां मध्ये इत्यर्थः । **सोत्तरेति** । सभायां साधुः सभ्यः उत्तरश्चासौ सभ्यश्च तत्सहितेनेत्यर्थः । पूर्वसभ्यतो भिन्नोत्कृष्टसभ्ययुक्तेनेति यावत् । **सपण इति** । उभयकारितपणसहिते इत्यर्थः । अयमेव पूगाद्यर्थः पूर्वत्रापि ज्ञेयः॥३०॥

याज्ञवल्कीये ३१ श्लोकः

उपसंहरन्नव्यवहितसङ्गतिमाह । **दुर्बलैरिति** । **कश्चित्** न सर्वः । बलं चोपाधिश्च ताभ्यां विनिर्वृत्तानिति व्युत्पत्तेराह । **बलेनेति** । **उपधीति** पाठान्तरम् । शत्रुशब्दान्तद्वन्द्वे कृतशब्देन शेषषष्ठ्या समासे आद्यन्तयोस्तत्र कर्तृत्वेनान्वये मध्यमानामधिकरणत्वेन फलतीत्याह । **तथा स्त्रीभिरिति** । अपौनरुक्त्यायाह । **अस्त्रीभिरपीति** । मध्ये इत्यर्थ**कान्तर**शब्देन षष्ठीसमासे राजदन्तादित्वात्[4]परनिपात इत्याह । **गृहाभ्यन्तरे इति** । **तथा**ऽर्थमाह । **चेति** । कृतांश्चेत्यर्थः । मध्यमणिन्यायेनान्वयादाह । **निवर्तेति** ॥ ३१ ॥

याज्ञवल्कीये ३२ श्लोकः

अपि चेति । अन्योऽपि कश्चित्तादृशो व्यवहारो निवर्त्तत इत्याहेत्यर्थः । वाक्यार्थबोधायादौ पदार्थानाह । **मत्त इत्यादि** । आर्तादिभीतान्तद्वन्द्वं कृत्वा पुनस्तेन मत्तोन्मत्ताभ्यां कृत्वा बहु-

१ ख ग फ=हेडावुकाः । २ ख ग=प्रकृतत्वादाह । ३ "उपसर्गे घोः किः" (व्या. सू. ३।३।९२)
४ राजदन्तादिषु परम् (व्या सू. २-२-३१)

व्रीहितत्पुरुषौ कार्यौ । करणेऽनीयर्[1] । पञ्चविधेनेत्यस्य व्याख्या **वातेति** । **सम्भवेनेति** । ग्रहान्तपञ्चकजन्येनेत्यर्थः । कारणभेदेन कार्यभेदात्तस्य पञ्चविधत्वम् । **जनितमिति** । एतदन्यतरजनितमित्यर्थः । **व्यवेति** । न तु स्तनन्धयादिरेवेति भावः । राष्ट्रादीत्यादिपदग्राह्यं वचने एव स्फुटम् । **पुरेति** । पुरविरुद्धो राष्ट्रविरुद्धश्चेत्यर्थः । यः एवं स वादस्तैरनादेय उदाहृतः कथितो भवेदित्युत्तरार्धार्थः । एवं च तस्यार्थिकी निवृत्तिर्बोध्या ।

वाक्यार्थमाह । **एतैरिति** । असम्बद्धकृत इत्यंशमनियुक्तपदाध्याहारेण व्याचष्टे । **अनियुक्तासम्बद्धेति** । अनियुक्तत्वेनाप्रेषितत्वेन प्रकृतव्यवहारासम्बद्धो यस्तत्कृत इत्यर्थः । **चार्थमाह** । **अपीति** । **इतिरर्थसमाप्तौ** ।

ननु मत्तादिकृतव्यवहारो न सिध्यतीत्यत्र मत्तादिग्रहणमुपलक्षणं न वा? आद्येऽन्यकृतव्यवहारासिद्धेरपि संग्रह इति न स्मृत्यन्तरविरोध इति फलं यद्यपि, तथाप्येवकारासङ्गतिः । द्वितीये एवकारबलेनास्य नियामकत्वलाभेनैवकारसङ्गतिरूपफलसत्त्वेऽपि वचनान्तरविरोध इति संशये श्रुतैवकारबलेनाद्यस्य दुर्वचत्वेन द्वितीयमेव वाच्यम् । यद्यप्याद्येऽप्यादिश्रुतिरस्ति तथापि सर्वथाऽनन्यगतिकसंग्रहेणैव तत्साफल्ये सगतिकसङ्ग्रहो नेति तात्पर्यार्थः । तथा सति वचनान्तरविरोधस्तेनान्यकृतव्यवहारस्यासिद्धिप्रतिपादनेन नियमस्य दुर्वचत्वादित्याशयेन शङ्कते ।

यत्त्विति । विरोधे इति पूर्वान्वयि । मिथ इत्युत्तरान्वयि । 'गुरोः शिष्ये विरोधेत्वि'त्यादौ सति तेषां गुरुशिष्यादीनां मिथो व्यवहारो न सिध्यतीत्यर्थः । **अपि**नैतज्जातीयस्मृत्यन्तरसमुच्चयः । त्वर्थे वा सः । आत्यन्तिकत्वं प्रतिषेधविशेषणम् । **कथंचित्** केनचित्प्रकारविशेषेण । तथा च तत्र चार्थस्तुः सिध्यतीत्यग्रे योज्यः । तेन सिद्धिसमुच्चयः । तयोर्व्यवस्था तु वक्ष्यमाणप्रकारेण । यद्वा **तु**र्मिथ इत्यग्रे योज्यः । **मिथस्तु** मिथ एव न सिध्यति किं तु व्यवहारदर्शिभिः सिध्यतीत्यर्थः । यद्वा एतद्वैलक्षण्यसूचक**स्तु**र्यथाश्रुत एव । तथा च मूलवाक्यस्थैवकारस्य न सिध्यतीत्यग्रे योजनं कृत्वा मत्तादिकृतो व्यवहारः सर्वात्मना न सिध्यत्येवेत्यर्थः । अयं तूक्तरीत्या कृतः सिध्यत्यन्यथा नेति । यद्वा यथाश्रुत एव सः । तदन्तं चावृत्त्या भिन्नं वाक्यम् । यद्यपि वक्ष्यमाणरीत्या न सिध्यति तथापि प्रबलविरोधपूर्वकदुराग्रहे तु सिध्यत्येवेत्यर्थः इति न कोऽपि दोष इति भावः ।

नन्वयोग्यत्वादेतेषां व्यवहार एव नोचितोऽसम्भवश्च तस्मातस्तमुपपादयति । **तथाहीति** । तत्र तावत् गुरुशिष्ययोर्व्यवहारस्थलमाह । **शिष्येति** । स्मृतिव्यपेतमार्गप्रदर्शनाय हेतुद्वयमिदम् । शिष्यस्य **शिष्टिः** शिक्षा **अवधेन** अताडनेन । **अशक्तौ** तथा कर्तुं शक्यते न चेत्तदा सूक्ष्मेण रज्जुखण्डेन वेणुखण्डेन च तच्छिक्षा कार्या । **अन्येन** उक्तभिन्नेन स्थूलेन वेणुखण्डेन च घ्नन् ताडयन् गुरू राज्ञा शास्यः शिक्षणीय इत्यर्थः । यदीत्यनेनान्यथा व्यवहारपदत्वाभावः सूचितः । एवमग्रेऽपि । पितापुत्रयोस्तदाह । **तथेति** । 'भूर्या पितामहोपात्ता निबन्धो द्रव्यमेव वा । तत्र स्यात्सदृशं स्वाम्यं पितुः पुत्रस्य चैवहि' ॥ इति वक्ष्यमाणमूलवचनादित्यर्थः । साम्ये हेतुरयम् । समाने सतीति शेषः । **धर्मेति** धर्मनिर्णयस्थानमित्यर्थः ।

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१ "तव्यत्तव्यानीयरः" (व्या. सू. ३-१=९६); कृत्याः प्राङ्ण्वुलः (व्या. सू. ३-१=९५), कृत्यल्युटोबहुलम् (व्या. सू. ३-३-१३)

दम्पत्योस्तदाह । **तथेति** । **सम्प्रतीति** । सर्वस्वहरणं कृत्वा दुर्गादौ परबलैर्निरोधकरणं सम्प्रतिरोधकम् । **नाकाम इति** । प्रागुक्तस्थलान्यतमे गृहीतं स्त्रीधनं पुनस्तस्यै दातुमनिच्छुश्चेन्न दद्यादित्यर्थः । व्यतिरेके हेतुरयम् । '**विद्यमाने**'त्यादिविशेषणद्वयेन तदभावे तदभावः सूचितः । **अपि**र्मिथःसमुच्चये ।

दासभेदा वक्ष्यन्ते भक्तदासगर्भदासादयः । तत्राद्ये तयोस्तदाह । **तथेति** । भक्तमन्नं 'भक्तमन्धोऽन्नमिति'' **अमरः** (२–९–४८) । द्वितीये तयोस्तदाह । **गर्भेति**। 'अयं द्विविध' इत्यन्यत्र स्पष्टम् । 'स्वामिना सहे'त्यग्रेतनेनान्वयः । **यश्चैषामिति** । एषां गर्भदासादीनां मध्ये यः कश्चिदित्यर्थः । **विमुच्येत** मोचनीयः । **लभेत** प्रापयेत् । अन्तर्भावितण्यर्थः । **तत्त**स्वाद्दासत्वात् ।

नन्वेवं तस्य का गतिरत आह । **तस्मादिति** । प्रथममित्युक्तिस्वारस्यादाह । **अत्यन्तेति** । अश्रेयस्करत्वे क्रोधादिनेष्टापत्त्यङ्गीकारे त्वित्यर्थः । एवमन्यविरोधं परिहरति । **यद्प्येकस्येति** । 'वाद' इत्यस्य त्रिभिरन्वयः प्रागुक्तैकवाक्यतया । तत्राद्यस्यार्थमाह । **तत्रैकेति** । तेषां त्रयाणां मध्ये इत्यर्थः । [1]**अपिना** अनेकसमुच्चयः । 'एकार्थैरि'त्यग्रिमेणान्वयः । **गणेति** । सर्वस्वहरणं कृत्वा तं राष्ट्राद्विप्रवासयेदित्युत्तरार्धं । व्यवहारद्रष्टेति शेषः ।

स्मृत्यंतरमाह । **तथेति** । **एकमिति** । 'यथोक्ताद्द्विगुणो दम' इति वचनशेषः । गणद्रव्यहार्यादेः सर्वस्वहरणादिविधानं एकहंतॄणां बहूनां च द्विगुणदंडविधानं स्मृतावुक्तं । इदमुभयमपि व्यवहारमुखेन तादृशापराधवतामेव भवतीति व्यवहारोऽस्तीति भावः । प्रागुक्तमेव विशेषणमाह । **एकार्थैरिति** । अत एवोक्त**नारदा**भिप्रायमाह । **भिन्नार्थैरिति** । प्रागुक्तयुक्तेराह । **युगपदिति** । किं त्वीदृशस्थले क्रमात्सिध्यतीति भावः ।

द्वितीयतात्पर्यं प्रागुक्तमाह । **स्त्रीणामिति** । इति व्याख्येयमित्यत्रान्वयः । 'गोपै[2]शौण्डिके'-त्यत्रवक्ष्यमाणयुक्तेराह । **गोपेति** । तत्रापि विशेषं सूचयन् हेतुमाह । **पतिष्विति** । तथा च तदभावे तत्रापि व्यवहार उपादेय इति भावः । अयं च तस्याः पत्या साकं न किं त्वन्येनेति बोध्यं । एवमग्रेऽपि । तृतीयतात्पर्यमाह । **प्रेष्येति** । इति यो[3]जनीयमित्यग्रिमेणान्वयः । **स्वार्थेति** । भृत्यार्थेत्यर्थः । **अपिना** तदर्थव्यवहारसमुच्चयः । तस्मादुक्त एव आशय इति न कोऽपि दोष इति तत्वं ॥ ३२ ॥

याज्ञवल्कीये ३३ श्लोकः

प्रसङ्गसङ्गतिमाह । **परेति** । '**प्रनष्टेति**' कर्मधारयो न तु पञ्चमीसमास इत्याह । **प्रनष्टमिति** । धनमित्यस्यार्थमाह । **हिरण्यादीति** । 'शौल्किकेति' द्वन्द्वं कृत्वा बहुव्रीहिः कार्य्यः । असमर्पणे तेषां दण्डसत्वादाह । **राज्ञे इति** । उत्तरार्द्धसूचितमार्थिकं पूर्वशेषमाह । **यदीति**। उत्तरार्द्धार्थं कथयन् **चेद**र्थमाह । **यदीति** । लिङर्थोऽविवक्षित इत्याह । **भावयतीति** । **तत्[4]समं** । प्रनष्टाधिगतद्रव्यसमं । पूर्वं 'मदीयमेतदिति' निवेद्य पश्चाद्यदि न साधयति तदा स **दंड्य** इत्यर्थः ।

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१ मिताक्षरा पृ. २५ पं. २९. २ ख ग–गौप। ३ क ख ग–योज्येत्यग्रिमेणान्वयः। ४ ग–तत् संप्रनष्टाधिगत।

तदेव ध्वनयन्नाह । **असत्येति** । ननु प्रनष्टाधिगतस्य परकीयत्वेनादेयत्वाद्देयमित्युपदेशो व्यर्थ एवात आह । **अधिगमस्येति** । द्रव्यनाशानंतरं तद्लब्ध्वा स्वामिनो देशांतरगमने विशेषमाह[1] । **अत्र चेति** । प्रनष्टाधिगतस्य प्रतिदानविषये इत्यर्थः । अत्र 'सर्वत्र प्रनष्टेति' इत्यपाठः[2] । **नशोरिति**[3] तन्निषेधात् । तदेवमूलोक्तमाह । **शौल्किकैरिति** । शुल्कं गृह्णंति ते शौल्किकाः । **स्थानपाला**स्तन्मात्ररक्षकाः । **नष्टेति** । नष्टं सदधिगतं राज्ञे समर्पितमित्यर्थः । यद्वा नष्टमपहृतं चाधिगत्य राज्ञे समर्पितमित्यर्थः ।

अत्र विशेषमाह । **मनुना पुनरिति** ॥ **मनुना** त्वित्यर्थः । **मनु**मेवाह । **प्रनष्टेति** । स्वामिनः सकाशात्प्रनष्टं **प्रनष्टस्वामिकं** । 'राजदंतादि' स्वार्थे कः । अत एव पूर्वैकवाक्यतोत्तरार्द्धसंगतिश्चेति भावः ॥ यद्वा उक्तरीत्या तदनंतरं देशांतरगतस्वामिकमिति यथाश्रुत एवार्थः । 'हृतं नष्टं च लभ्यत' इतिवत्प्रयोग इति न कोऽपि दोषः । **रिक्थं** द्रव्यमिति पाठांतरं ।

एवं सति प्रसक्तविरोधपरिहाराय व्यवस्थां कथयन्नादौ **मनु**तात्पर्यमाह । **तत्रेति** । तथा सतीत्यर्थः । **अवश्यमिति** । तन्मध्ये व्ययं न कुर्यादित्यर्थः । निधापयेदित्युक्तिस्वारस्यादितिभावः । तत्र तावत्पर्यंतं रक्षणीये तस्मिन् सति । मूलतात्पर्यमाह । **यदीति** । **पुन**स्त्वर्थे । अत्र मानमाह । **यथाहेति** । अस्य पक्षत्रयस्य व्यवस्थां कथयितुमादौ मूलोक्तमेवाह । **तत्रेति** । तेषांमध्ये इत्यर्थः । अन्यथा तदानर्थक्यं स्पष्टमेव । **'द्वादशं भाग**मि'त्यादि**'गृहीत्वे'**त्यादिना अन्वयः ।

अग्रे विशेषमाह । **चतुर्थादिष्विति** । षडिति भिन्नं पदं लक्षणया षष्टपरं साहचर्यादित्याह । **षष्ठमिति** । अत एव विशेषमाह । **राजभागेति** । दातव्यः । 'द्वादशभागमि'त्यादि 'गृहीत्वे'-त्यादिनाऽन्वयः । एतेनाद्यद्वितीयतृतीयवर्षाभिप्रायं पक्षत्रयमित्यपास्तं । अत एव तत्र व्युत्क्रमोक्तिरपि संगताऽथेत्युक्तिश्च । अन्यथा तदसंगतिः स्पष्टैव । अत एव च **गौतमैक**वाक्यताऽपि । प्रपंचविशेषो द्वितीयादौ नत्वाद्ये । तत्र राजभागस्यैवाभावात् ।

एतदर्थमेवैवमुक्तं ॥ अन्यथा चतुर्थांश इत्येव वदेत् । राजभागसंबंधिचतुर्थांशदानमित्यर्थे तु 'आददीताथ षड्भागमि'ति वचनविरोधः स्यात् । तथा च प्रनष्टाधिगतं द्रव्यं यः शौल्किकादी राज्ञे समर्पयति तस्मै राज्ञो यो भागः षष्ठादिरूपस्तच्चतुर्थांशस्तत्तुल्य उद्धृतषष्ठादिभागाद्धनादवशिष्टाद्दातव्यो दापनीयो नतु राज्ञोंऽशात्तद्विरोधापत्तेरित्यर्थो बोध्यः ।

अत्र विशेषमाह । **स्वाम्यनेति** । अधिगंत्रे शौल्किकप्रभृतये । अत्र सर्वत्र मानमाह । **यथाहेति** । **प्रनष्टेति** । पूर्ववत् 'ऊर्द्धमधिगंतुरिति' 'संवत्सरादिति' शेषः । तथा च संवत्सरानंतरं स्वामिन्यागतेऽनागते वाऽधिगंतुश्चतुर्थोऽशो भवति शेषं राज्ञो भवतीत्यर्थः । तत्राधिगंत्रे चतुर्थांशदाने इयान् भेदः । स्वामिन्यागते प्रागुक्तरीत्या राज्ञः षष्ठाद्यं समुद्धृत्यावशिष्टधनाद्राज्ञोभागश्चतुर्थांशसमभागो देयः । अनागते तु तस्मिन् सर्वस्य धनस्य चतुर्थांशो देय इति ।

एवं **'राज्ञः शेषमि'**त्यत्रापि । तस्मिन्नागते पूर्वोक्तरीत्या षष्ठादिभागरूपं । अनागते तु तस्मिन् सर्वधनं दत्तचतुर्थांशकमिति भेदो बोध्यः । एवं च राज्ञ इत्यस्य मध्यमणिन्यायेनान्वयो

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१ क ग–विशेष आह । २ फ–इत्यं पाठः । ३ ख–नाशरिति ।

बोध्यः । **मनु**तात्पर्यविरोधं परिहरति । **अत्रेति** । **गौतमीये** इत्यर्थः । उद्देशविशेषणत्वादिति भावः । तथा सत्यनतिप्रसंगाय तन्मूलं तदुक्तमेव हेतुमाह । **राजेति** ।

नन्वेवं सर्ववचनानां व्यवस्थायां पादत्रयार्थलाभेऽपि **मनु**मूलयोस्तुर्यपदार्थस्य निर्विषयत्वापत्तिरेव चतुर्थादिष्वपि अवशिष्टदानस्य स्वामिने प्रतिपादितत्वादित्यत आह । **हरेतेति** । **अपिना मनू**क्ततुर्यपादसमुच्चयः । यद्यप्यत्र 'संवत्सरादि'ति प्रक्रांतं तथाप्युक्तरीत्या **मन्वे**कवाक्यतयैवाह । **त्र्यब्दादिति** । तथा चात्र 'परत' इत्यत्र 'त्र्यब्दादिति' शेषो बोध्यः ।

ननु व्ययीकरणानंतरं तदागमने कथं प्रागुक्ततद्दानसंभवोऽत आह । **आगते त्विति** । **अवतार्य** पृथक्कृत्य अवशिष्टं तस्मिन् प्रक्षिप्य **तत्समं** तत्तुल्यं । तथा च राजा स्वांशं षष्ठाद्यंशं तथा कृत्वा तत्समं यावदधिगंतृहस्ताद्गृहीतं तत्संख्याकं स्वामिने दद्यादित्यर्थः ।

तत्रापि न तज्जन्यवृद्धिं दद्यादपि तु मूलमात्रमेव । 'हरेत परत' इत्यनेन व्ययवत् व्यवहारस्यानुज्ञानात् । तथा च व्ययीकरणे व्यवहारे सति वृद्धिद्रव्येण तत्समत्वं तदभावे स्वांशप्रक्षेपेण ततोऽप्यपूर्तौ तत्समत्वं स्वकोशद्रव्येण एवमपि न त्वधिगंत्रे यश्चतुर्थांशो दत्तस्तद्ग्रहणेनापि तस्मै भृतिरूपेण दत्तत्वात् भृतिरूपस्याप्यादाने कालांतरे प्रनष्टाधिगतप्रत्यर्पणादिकं न स्यात् । **'स्वांशमवतार्येति'** विशेषोक्तेश्चेति बोध्यं ।

विशेषमाह । **एतच्चेति** । अत एव प्राक् तथैव व्याख्यानं । संकोचे मानमाह । **गवादीति** । मूलकृद्देवेतिभावः ॥ ३३ ॥

अव्यवहितसंगतिप्रसंगरूपमाह । **रथ्येति** । इदं नष्टपदव्याख्यानं । एतेन प्राक्तनप्रनष्टपदमपि व्याख्यातं ।

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एवं उक्तप्रकारेण **उक्तेति** । **भूमौ चिरनिखातं** । सुवर्णादीत्यर्थः । तुर्यपादबलात् द्विजपदं ब्राह्मणपरमित्याह । **ब्राह्मणेभ्य** इति । एवमग्रेऽपि । फलितमाह । **शेषमिति** । पुनःशब्दार्थमाह । **त्विति** । विद्वानित्यस्य व्याख्या । **श्रुतेति** । न केवलं अपितु **मन्वा**दिस्मृत्यंतरादेरिदमुपलक्षणमित्याह । **सदेति** ॥ ३४ ॥

पुनः शब्दानुषंगेण द्वितीयपद्यार्थमाह । **इतरेण त्विति** । इतरत्वमुभयापेक्षमित्याह । **राजेति** । शेषपूरणेन व्याचष्टे । **अधिगंत्रे इति** । यद्यप्यषष्ठांशमिति छेदेन वाक्यपूर्तिः सिद्धा तथाप्युपक्रमे वासिष्ठे च 'दद्यादि'त्युक्त्या दानषष्ठांशत्वस्यैवेष्टत्वेनात्रार्थिकत्वेन तद्विरोधापत्तेः । शेषपूरणापत्तेः विद्वद्विप्रविषये सर्वस्येति हेतूक्त्याऽन्यविषये राज्ञः प्रभुत्वसूचनेन तत्रापि तदाहरणस्यार्थसिद्धत्वेन विध्यनुपयोगात् । अत एव **'अनिवेदिते'**त्यनेन विप्रस्यापि वैपरीत्योक्तिः । अत एव च दानपूर्वकाहरणस्यैव विवक्षितत्वेन तदलाभापत्तेश्च ।

अत एवोपक्रमवाक्यं तथा व्याख्यातं । 'अत इति' 'अण इति' सूत्रादिभाष्यसिद्धांतमूलकेन

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१ फ–व्यई करणानन्तरं । २ फ–तत्कृत्वा । ३ अयं पाठः लिखितपुस्तकेष्वप्राप्तोऽपि समीचीनः । ४ ख–दान शब्दात्तस्यैवेष्टत्वेनात्राप्यैकत्वे तद्विरोधपत्ते । ५ ख ग–तदीयलाभापत्तेश्च ।

'प्रविश पिंडीमि'त्यादिवद्वाक्यैकदेशन्यायेन नञा विना द्वितीयपादस्य शाब्दमर्थमाह । **राजेति** ॥ यथाश्रुतार्थत्यागेन तथा व्याख्याने बीजमाह । **यथाहेति** ॥ **अग्रेति** । चिरनिखातमित्यर्थः। अनेन वित्तस्य निधित्वं सूचितं । **तत्** ततः । **निध्यधिगम** इति । अधिगम इति कर्मणि घञ् । कर्मधारयः कडारादिः अधिगम्यमानो निधिः । राजधनं नाधिगंतुः **अभिरूपस्य** श्रुताध्ययनादिसंपन्नस्य ब्राह्मणस्य तु सं, न राजधनम् अपि तु तस्यैव ॥ एवं चेदं वाक्यत्रयं यथासंभवं शेषानुषंगाभ्यामिति बोध्यं । अब्राह्मणोऽपि विद्वदब्राह्मणभिन्नोऽप्याख्याता तत् कथयिता यदि तदा तस्य षष्ठमंशं लभेतेत्येक इत्यर्थः । अपिना विद्वद्ब्राह्मणसमुच्चयं । तथा च तस्यापि षष्ठांशमात्रप्राप्तौ । प्रागुक्तविरोधोऽत आह । **एके इति** । अनेन तदीयसर्वग्रहणेन सह षष्ठांशग्रहणस्य तस्य पुरुषभेदेन विकल्पः सूचित इति बोध्यं ।

नन्वनिवेदितविज्ञात इत्युक्तं । कर्मनिष्ठायां । निध्यधिगंत्राऽन्येन वाऽनिवेदने राज्ञो ज्ञानाभावात् 'किं च दाप्य' इत्यनेनान्वयासंभवादत आह । **अनिवेदित इतीति** । 'गत्यर्थाकर्मके'त्यनेनेति भावः ।

पदार्थमुक्त्वा वाक्यार्थमाह । **यः कश्चिदिति** । विद्वद्ब्राह्मणस्तद्भिन्नो वेत्यर्थः । **तमि**त्यस्यार्थमाह । **सर्वं निधिमिति** । विशेषानुक्तेः केवलार्थकैवशब्दस्वरसाच्चाह । **शक्त्यपेक्षयेति** । यद्यपि निध्यधिगंता स्वयं निवेदने साक्षात् कर्ता प्रयोजको वा न भवति तथाऽप्यन्येन निवेदिते राज्ञो विज्ञातो भवतीति स तं निधिं दंडं च यथाशक्ति दाप्य इति भावः ।

'इतरेणे'त्येतत्सूचितमेव विशेषमाह । **अथेति** । अपिःप्रागुक्तप्रनष्टसमुच्चायकः । **भावयति** साधयति । अत्र मानमाह । **यथाहेति** । **'ममार्यमितीति'** । अनेन कर्मणा द्विकर्मकत्वं ब्रुवः सत्येन रूपकसंख्यादिकथनेन तस्येति अवधेः संबंधित्वविवक्षया षष्ठी । ग्रन्थव्यवस्थामाह । **अंशेति** । **वर्णेति** । सदसद्धर्मचिराचिरकालाद्यपेक्षयेत्यर्थः ।

याज्ञवल्कीये ३६ श्लोकः

चौरेति । प्रनष्टप्रसंगादित्येवेति भावः । तत्फलं तु तद्वदत्रापि कालावधिबोधनं । अत एव 'नष्टापहृतमाहृतमिति' मूलोक्तिरिति बोध्यं । ननु स्वयमलब्धं कथं देयमत आह । **चौरेभ्य इति** । शासनपूर्वं गृहीत्वेत्यर्थः । जनपदे भवो जानपदः । अनतिप्रसंगाय तस्य संबंधिशब्दत्वादाह । **स्वदेशेति** । तथाऽप्यनतिप्रसंगायाह । **यस्येति** । अनेन वर्णसामान्यपरामर्शः । अत एव **मन्वेक**वाक्यता । **तुः** पादपूरणे । **यस्ये**त्यंतं भिन्नं वाक्यं । **तस्येति** च भिन्नं । **तदि**त्यस्योभयत्रान्वयस्तदाह । **हीति** । अस्यार्थमाह । **यस्मादिति** । **तदि**त्यस्य व्याख्या **अपहृतं द्रव्यमिति** । यत्तदोर्मिथः साकांक्षत्वाच्छेषं पूरयति । **तस्येति** ।

द्वितीयवाक्यार्थमाह ॥ **तस्य चौरस्य चेति** । किल्विषमित्यादेरनुषंगः । यथाश्रुतार्थं विहायैवं व्याख्याने मानमाह । **यथाहेति** । 'तदुपभुंजान' इति पाठांतरं । अत्र **मनु**मूलाभ्यां यथाश्रुते विरुद्धमुक्तमतो मन्वेकवाक्यतयैव मूलस्य संभवात् ॥ वैपरीत्यासंभवात् व्याख्यानं

१ ग–सो (निधिरिति) । २ ख–निवेदनवेदने । ३ ख–मन्वेकवाक्यतायै ।

कृतमिति । तस्याप्रतिदाने उभयोः किल्बिषमाप्नोतीत्युक्तं । तथा सति **मनु**वचने प्राप्तन्यूनतानिरासाय विषयव्यवस्थामाह । **यदीति** । अनेन **मनु**विषयः प्रदर्शितः । मूलविषयमाह । **अथेति** । एवमपि मूलोत्तरार्द्धस्य सुयोजत्वात्तस्य व्यवस्थितत्वाद्वेति भावः । **मनु**मूलपूर्वार्द्धतात्पर्यार्थमाह । **अथेति** । **तावदि**त्यनेन न्यूनाधिकभावो निरस्तः । अत्र मानमाह । **यथाहेति** । **यथास्थानमिति** । यस्य तद्धनं तं प्रापयेदित्यर्थः । **कृष्णेति** व्यासोऽप्याहेत्यर्थः । अशक्तस्त्वशक्त एव राजा भवेदितिशेषः । हि तदा द्विर्बद्धमिति न्यायेन सत्यां शक्तौ तथा न कार्यमिति स्पष्टार्थमाह । **अशक्तेनेति** । **महीति** । महीं क्षयति निवासयति गमयति वा क्षिणोति हिनस्ति शास्ति दंडयति वा महीक्षित्तेनेत्यर्थः ॥ ३६ ॥

इत्यसाधारणव्यवहारमातृकेति । 'इति साधारणासाधारणव्यवहारमातृकेति' पाठांतरं । तस्य च पूर्वं तथा पाठाभावो वक्ष्यमाणप्रकारो वाऽभिप्रायः ॥

अथ ऋणादानप्रकरणम्. ३.

पूर्वोत्तरयोर्ग्रंथसंदर्भयोः संगतिमाह । **साधारणासाधारणेति** । प्रथमप्रकरणे साधारणमातृकाऽभिहिता । द्वितीयप्रकरणेऽसाधारणमातृका । एवं च प्रकरणद्वयस्योत्तरग्रंथोपयोगित्वेन ताभ्यामुत्तरग्रंथे संगतिरिति भावः । यद्वाऽनंतरप्रकरणमेव साधारणासाधारणात्मकं । **'दे**शाद्देशांतरं याती'त्यादि दुष्टलक्षणं सर्वसाधारणं । 'छलं निरस्य भूतेने'त्यादिकमपि । इतरद**-**साधारणं । समाप्तावुभयात्मकत्वेन प्रकरणसमापनमिति भावः । पदानां मध्ये इति शेषः ।

तत्र तावदृणस्य प्रदानं आदानं वा यस्मिन्निति व्युत्पत्तावपि योगरूढोऽयं ऋणादानशब्दः तदेतदभिप्रेत्याह । **तच्चेति** । तत्रादावधमर्णसंबंधिभेदानाह । **ईदृशमिति** । याचनापूर्वकत्वादृणस्य तस्याश्चाधमर्णनिष्ठत्वात् मल्लग्रामादिवद्वेति भावः । एतेन सूचीकटाहन्यायेन वैपरीत्यमुचितमित्यपास्तं **नारद**वचनाच्च । अस्वतंत्रैरपि स्त्र्यादिभिः कुटुंबरक्षणार्थं यदृणं गृहीतं तद्देयं उक्तवैपरीत्ये तु न देयं । पुत्रपौत्रादिरूपेणाधिकारिणा देयं । अस्मिन्काले देयं । क्वचित्सवृद्धिकं देयं । क्वचिदवृद्धिकमिति । क्वचिदेतदन्यतरत् इत्येवमधमर्णे देयं पंचप्रकारं । **उत्तमर्णे द्विविधमिति** मिलित्वा ऋणादानं सप्तविधमित्यर्थः ।

एतच्चेति । उक्तभेदकथनेनास्य योगरूढत्वे चेत्यर्थः । येन देयमित्यधिकारिनिर्देशः । यत्र देयमिति कालनिर्देशः । यथा चेति प्रकारनिर्देशः । देयमित्यस्य सर्वत्रान्वयः । धर्मश्चेति पाठः । द्वंद्वांते श्रूयमाणत्वात्प्रत्येकं संबंधः । तदितिपाठे यदिति शेषः । वैपरीत्ये वैपरीत्यमिति । यत्तदृणादानमित्यन्वयः ।

एवं स्मृत्यंतरानुरोधेनास्य सप्तविधत्वमग्रिमोपयुक्तं प्रतिपाद्य अधुना मूलवचनमवतारयति । **तत्रेति** । तेषां मध्ये इत्यर्थः ॥

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१ ख–यः क्षिणोति । २ ख–चाधमर्ण ।

याज्ञवल्कीये ३७ श्लोकः

द्वयोरेवेति भ्रमनिरासाय वीप्साद्विर्वचनेनाह । **प्रतीति** । प्रयोगे दानेऽत्र विशेषोल्लेखेऽनुपयोगात् फले विशेषाच्चाह । **द्रव्यस्येति** । अशीतिपदं तत्संख्यापूरके लाक्षणिकं भागपदसाहचर्यादित्याह । **अशीतितम इति** । तथा च तत्र कर्मधारयो बोध्यः । शास्त्रविहितत्वादेवाह । **धर्म्येति** । लिङ्गार्थाविवक्षयाऽऽह । **भवतीति** ।

उत्तरार्धं व्याचष्टे । **अन्यथेति** । अस्य व्याख्या **बंधकेति** । सामान्येनोक्तं स्पष्टार्थं विशिष्याह । **ब्राह्मणे इति** । शतमित्यस्याग्रे सर्वत्रानुषंगः । एवं भवतीत्यस्यापि । मासि मासीत्यनुवर्तत इत्याह । **मासीति** । तथा च प्रतिमासं ब्राह्मणादिक्रमात् तथा भवतीत्यर्थः ।

ननु कथमुक्तार्थलाभस्तत इत्यत आह । **द्वौ वेति** । 'संख्ययाऽव्ययेति' (व्या. सू. २-२-२५). बहुव्रीहिरिति भावः । **'तदस्मिन्निति'** तथा च कनः सर्वत्र संबंध इति भावः ।

उक्तवृद्धेरुपाधिभेदान्मूलानुक्तं द्वैविध्यं कथयन्नाह **इयं चेति** । मूलोक्तेत्यर्थः । मूलानुक्तमाह । **इयमेवेति** । मूलोक्तैवेत्यर्थः । विशेषमाह । **दिवसेति** । मासस्येति भावः । अत्र मानमाह । **तथा चेति** । उक्त्वोक्तिमित्यत्रान्वयः । तस्य ऋणस्य उक्तेति शेषः ।

कायेति । तदविरोधिनी तदनुकूला यथा तस्य प्रतिदिनं वृद्धिः तथा दीयमानेत्यर्थः । यद्वा । यया खेदेन शरीरनाशो न भवति तादृशी स्वल्पेत्यर्थः । अधिकदाने खेदेन देहस्यारक्षणेन नाशसंभवात् । **शश्वत्** । मुहुर्मुहुः प्रतिदिनमिति यावत् । **पणेति** । पणस्य पादश्चतुर्थांश इत्यर्थः । तथा च पणपादादिरूपा तदविरोधिनी प्रतिदिनं स्रवंती कायिकेत्यर्थः । **स्रवंती** आगच्छंती । उभयत्र मत्वर्थीयष्ठन् । अधमर्णिके 'बह्वच' इत्यनुकंपादौ ठच् । 'मर्णिकेनेति' पाठांतरं । तदा मत्वर्थीयष्ठन् ॥ ३७ ॥

याज्ञवल्कीये ३८ श्लोकः

ग्रहीत्रिति । अथेत्यादिः । **दशकमिति** । पूर्ववत् । **विंशकमिति** । धनं तत् प्रकरणाद्विशेषपरत्वमित्याह । **अरण्यमिति** । कर्मणोऽधिकरणत्वविवक्षया सप्तमी । **तत्रेति** । तमित्यर्थः । परिखेतिवत् डः । अत एव तथैव पदार्थमुक्त्वा वाक्यार्थमाह । **ये इति** । तत्रापि अरण्यसामान्यं न विवक्षितमिति सूचयन्नाह । **अतीति** । अभ्यर्हितत्वात्प्राणस्य पूर्वनिपातः । वस्तुतो विनाशस्थानेऽपि आह । **शंकेति** । तत्रापि प्रकर्ष इत्याह । **प्रेति** । अपकर्षेणाह । **दद्युरिति** । **ये च** ये तु सामुद्रा इत्यत्रेदमर्थेणेति सूचयन्नाह । **समुद्रगा इति** । दद्युरित्यस्यानुषंगः । मासिमासीत्यनुवर्तते सामर्थ्यादित्याह । **मासीति** । ननु तथा सति यदि विनाशस्तदा तावत्तद्दानमपि कथमतः तात्पर्यार्थमाह । **एतदिति** । आदावेवेति भावः । इदं चानंतर्यादबंधकप्रयोगविषयमत एवाह । **मूलेति** ।

कारितामिति । अत एव मूले **वा**शब्दो विकल्पार्थः । तदाह **सर्वे वेति** । अस्य

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१ व्या० सू० ५-२-४२ २ व्या० सू० ५-१-४७ ३ ग-उक्त्वोक्तम् । ४ क ख ग-वृद्धिस्तथा शरीरसत्वे प्रतिदिनं वृद्धिरिति । ५ फ-अनुवर्तनसामर्थ्यात् ।

व्याख्या **ब्राह्मेति** । अत्र च ब्राह्मणादीनामधमर्णत्वं प्रदर्शनमात्रं हीनोत्तमभावमपरिगणय्य यथा कथंचिदुत्तमर्णत्वमधमर्णत्वं च भवतीत्यर्थः । संकोचे मानाभावादाह । **अबंधके इति** । प्रयोगे इति शेषः । यथाश्रुतासंगतेराह । **स्वाभ्युपेति** । उद्देश्यस्याधिकरणत्वविवक्षया आह । **सर्वास्विति** । विशेषमाह । **क्वचिदिति** । **न वृद्धिरिति** । वृद्धिं कुर्वंतमधमर्ण मुत्तमर्णः प्रयुंक्ते इति णिचि निष्ठायामापि आङा कारिता शब्दस्य समासे । ततो नञा तस्य समास इति कश्चित् । प्रकृते तु स्वारस्यात्प्रार्थयंतीतिवत् णिच् इति तु तत्वं । अत एव **स्वकृतामि**त्युक्तं मूले । एवं रीतिः कारितेत्यत्रापि बोध्या । अत एव स्वयंकृतेत्येव तत्रोक्तं । एवं चाकृता वृद्धिस्त्वं यथेच्छं व्यवहरेति तदानीं क्वचिदपि न स्यात् ।

अत्र **'प्रीतिदत्ते'**त्यनेन ग्रहीतुर्याचनाभावः सूचितः । अत एव तत्र विशेषं वक्ष्यति । ईदृशेऽपि स्थले । हि स्त्वर्थे । **वत्सरार्धाद्वि**वत्सरार्द्धा । **ऊर्ध्वं**षण्मासोत्तरं तु । **अनाकारितमपि** । अकृतमपि । 'अर्शआद्यजंतं' । धनं वर्धत इत्यर्थः । विवर्धत इत्यर्थः । विवर्धत इति पाठांतरं । क्वचिन्मते अकृतेत्यर्थः । स्वोक्तिविरुद्ध इति बोध्यं । वर्धनप्रकारस्तु सबंधके प्रागुक्तो द्रष्टव्यः ।

विशेषांतरमाह । **यस्त्विति** । 'याच्ञया प्राप्तं याचितकमि'**त्यमरः** (२–९–४) । वृद्धिं विना प्रार्थनया गृहीतमित्यर्थः । तादृशमर्थं विना याचनामिति शेषः । अत एव तत्र विशेषं वक्ष्यति । तृतीयं विशेषमाह । **यश्चेति** । योऽपीत्यर्थः । **याचीति** वर्तमानसामीप्ये इति । भूते लट् । तेनैव **कात्यायनेनैव** । कृत्वोद्धारमिति याचितकरूपोद्धारमादायेत्यर्थः । कृतोद्धारमिति पाठे कर्मधारयः । गृहीतं याचितकमित्यर्थः । 'उधार' इति भाषाप्रसिद्धः । उद्धारः 'कर्मणि घञ्' उदित्यस्य वृद्धिमुल्लिख्येत्यर्थः । तु अपि । यद्वा य इत्यग्रे योज्यो यथाश्रुत एव याचित इत्यत्रापीति शेषः ।

चतुर्थं विशेषमाह । **यः पुनरिति** । यस्त्वित्यर्थः । **याचितः** याचितोऽपि । **याचितेति** । अधमर्णयाचितेत्यर्थः । **स्वेति** । यस्तु स्वदेशे स्थितः सन् याचितोऽपि क्वचित् कदाचित् न दद्यादित्यर्थः । **क्वचिदिति** देशविशेषणं वा । अनिच्छंतं च तमपि तमकारितामकृतामपि वृद्धिं प्रागुक्तरीत्या ततोऽधमर्णयाचनकालादारभ्य राजा दापयेदित्युत्तरार्धार्थः । **अनाकारितेति** । 'न वृद्धिः प्रीतीति' (१–१०८) **नारदेनैव** षण्मासानंतरं प्रीतिदत्ते उक्ताया इत्यर्थः । **नाविति** । नैवेत्यर्थः । **पण्यं** विक्रेयं वस्तु । **मूल्यं** धान्यादिः । **भृति**र्वेतनं । **वृथादानेति** । त्रयाणामितरेतरद्वंद्वः । **वृथादानं** बंदिचारणादिभ्यो दानं । **आक्षिकं** द्यूतजितं । **पणः** पणव्यवहारे क्रियमाणनिबंधः । **न्यासो**ऽन्यः । पण्यादिषु 'दास्यामीति' दृढप्रतिज्ञायां सत्यां तावत्तैषां पण्यादीनां परकीयत्वेनादानेऽनाकारितवृद्धेः प्राप्तावनेनापोद्यते इति भावः । 'न्यास'पदेन तु न्यासविशेषो ग्राह्यः । तथाहि यत्र विश्वस्ते पुरुषे रूपसंख्याप्रदर्शनेन द्रव्ये न्यस्ते स यदि मयैतद्व्यवह्रियते कालांतरे 'एतत्संख्याकमेतज्जातीयं च ईदं दास्यामीति' स्वामिनः पुरस्तात्कथयति स च स्वामी तथैवांगीकुरुते; तादृशे न्यासे कृता वृद्धिर्नास्तीत्यर्थः । षण्मासं वृद्ध्यभावस्य सिद्धत्वात् स्वामिनोऽकथयित्वैव व्यवहारे कृते सोदयस्य देयत्वाच्चेति बोध्यं । **अविवक्षिता** 'इत्यर्शआद्यच्' (व्या. सू. ५–२–१२७) । तदाह ॥ **अनेति** ॥ ३८ ॥

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१ क ख–द्वयं ।

याज्ञवल्कीये ३९ श्लोकः

स्त्रीणां चेति । दासीनां न कुलस्त्रीणामित्यर्थः । त्वर्थमाह । **एवेति** । एतत्प्रसंगमाह । **पशूनामिति** । **पुष्टीति** द्वंद्वोत्तरं बहुव्रीहिः । इदं दातुरुक्तं । अथ प्रतिग्रहीतुराह । **ग्रहणं चेति** । **क्षीरेति** । द्वंद्वोत्तरं तत्पुरुषः यथासंख्यमत्र बोध्यं । **प्रयुक्तेति** । वृद्धिलोभेनेति भावः । अत एवाह । **वृद्धीति** । **ग्रहणं** न तु करणं । तस्येति विषये । तेषां मध्ये इति शेषः । 'स्थितत्वे' इति पाठेऽपि तेषां मध्ये इति शेषः । अन्यथा निर्धारणे बहुवचनौचित्येन यथाश्रुतासंबद्धत्वं स्पष्टमेव ।

परा । उत्कृष्टा चरमेति यावत् । **तैलेति** । घृततैलादेरित्युचितं । 'शाकपार्थिवादि'र्वा । तस्य लघ्वक्षरत्वात् । आकारितवृद्ध्यभिप्रायेणाह । **स्वेति** । परेत्यस्य तात्पर्यार्थमाह । **तःपेति** । हिरण्यशब्देनात्र धनं द्रव्यापरपर्यायं सर्वं । पक्षांतरं रसे आह । **वसिष्ठेन त्विति** । परत्वं वृद्धेरितिशेषः । अतिदिशति । **धान्येनैवेति** । **निचेति** । व्याख्यातानीतिशेषः । **तुलेति** । तुलायां धृतं निहितं । **त्रितयं** हिरण्यधान्यरसात्मकमदत्तं चिरकालस्थितमित्यर्थः।

धान्यपुष्पाद्यंशे पक्षांतरमाह । **मनुना त्विति** । प्राग्वत् ॥ आदिग्राह्यं वचने स्पष्टं । पूर्वनिपातप्रकरणानित्यत्वात् पुष्पस्य पूर्वनिपातः । बलीवर्दस्याभ्यर्हितत्वात्सः । पदार्थानुक्त्वा वाक्यार्थमाह **धान्येति** । सर्वत्र विषयसप्तमीत्याह **विषेति** । पंचतामित्यस्य लक्ष्यार्थमाह । **पंचगुणत्वमिति** । इतीत्यस्यार्थ इति शेषः । एवं सति संभवात्तस्य दुष्टत्वं विकल्प्यान्यप्रकारेण विरोधं परिहरति । **तत्रेति** । तेषु पक्षेष्वित्यर्थः । परकीययोग्यतायास्तथ्यतः स्पष्टमज्ञानादाह । **दुर्भिक्षेति** ।

विशेषमाह । **एतच्चेति** । एकस्मिन्नेव ऋणादानप्रयोगे एकदैव च सवृद्धिकमूलग्रहणे चेत्यर्थः । एकस्मिन् ऋणदानप्रयोगे दशरूपकेषु दत्तेषु प्रतिदिनं प्रतिमासं प्रतिसंवत्सरं वा वृद्धेरग्रहणे कालविलंबवशात् वृद्धेर्द्वैगुण्याद्यतिक्रमेणातिवृद्धिः[1] प्राप्ता तत्र सवृद्धिकमूलमेकदैव गृह्णन्नुत्तमर्णो मूलद्विगुणं तेन सह विंशतिरूपकपरिमितं द्रव्यं गृह्णीयात् इत्यभिप्रायः ।

आद्यस्य प्रत्युदाहरणमाह । **पुरुषांतरेति** । अन्यस्मै पुरुषाय दानेनेत्यर्थः । प्रयोगांतरकरणं द्वेधा । तत्रैकमुक्त्वा द्वितीयमाह । **तस्मिन्नेवेति** ।

अनेकशः । पुनः पुनः । अनेकशः इत्यत्र रेकसेकाभ्यामिति पाठे प्रयुक्तद्रव्यैकदेशग्रहणे ऊनीकरणं रेकः । तत्रैव प्रक्षेपेणाधिकीकरणं सेकः ।

'रिच वियोजनसंपर्चनयोः' । **'षिच** क्षरणे' । तत्रानेन सर्वग्रहणादाह । **सुवर्णेति** । पूर्ववत् अशीतिभाग इत्याद्युक्तप्रकारेण । अयं भावः । यदि तदेव विंशतिसंख्याकं द्विगुणं[2] द्रव्यं अन्यस्मै दीयते, पूर्वं यस्मै दत्तं तस्मा[3] एव वा दीयते । प्रयोगांतरेण तथा वा क्रियते । तदा पूर्वप्रयोगे द्विगुणीभूतमिति[4] कृत्वा पुनः क्रियमाणे प्रयोगांतरे न वर्धत इति न तदा दीयमानस्य तस्यैव मूलत्वेन वृद्धेरिष्टत्वात्[5] । अत एव प्रथमप्रयोगे एव द्वैगुण्याद्यतिक्रमेण वृद्धिर्न । द्वितीयादिप्रयोगे तु द्वैगुण्याद्यतीत्यैतीति ।

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१ द्वैगुण्यादिक्रमेणाभिवृद्धि । २ फ—द्विगुणस्य । ३ ख—तस्मादेव । ४ फ—द्विगुणद्विगुणीभूत । ५ ख फ—वृद्धिरिष्टत्वात् ।

'सकृदाहरण'इत्यस्य प्रत्युदाहरणमाह । **सकृदिति** । देयस्य मूलस्य । असंभवस्त्वेवं, प्रतिदिनादिक्रमेण तद्दाने यस्मिन् दिने या वृद्धिर्दीयते तद्दिनात्पूर्वमभिवृद्धस्य[1] धनस्य विच्छेदः पुनरपि नूतनत्वे वृद्धिः एवं च वस्तुतः प्रयोगांतरमिव भवतीति, यावत् द्वैगुण्यं प्राप्नोति तावदविच्छेदेन वृद्धस्य द्रव्यस्य स्थित्यभाव इति । अत्रोभयत्र मानमाह । **यथाहेति** । **हितेत्यस्ये**-(ती)ति शेषः । क्वचित्तथापाठ एव । पाठभेदेन द्वयोर्लाभो नैकस्मादित्याह । **सकृदिति** ।

तत्राद्यपाठेनाद्यलाभ इत्याह । **यदीति** । एतद्विशेषणतात्पर्यमाह । **पुरुषांतरेति** । आदिना प्रागुक्तद्वितीयपरिग्रहः । द्वितीयेन द्वितीयलाभ इत्याह । **सकृदिति** । तेतितुपाठे त्वितिपाठः । यदि सकृदाहृता मूलसहिता वृद्धिरेकदैव गृहीतेत्याद्यर्थः । एतत्तात्पर्यार्थमाह । **शनैः शनैरिति** । अस्यैव व्याख्या **प्रतीति** । मानांतरमाह । **तथेति** । तद्वदित्यर्थः । अत एव अपिना पौनरुक्त्यं न । **स्थानं** स्थितिः । **प्रयोगस्य** प्रयुज्यमानऋणस्यप्रतिदिनादिक्रमेण[2] वृद्धिग्रहणं विना चिरकालस्थितौ सत्यां द्वैगुण्यं भवतीत्यर्थः ।

उक्तमित्यस्य ध्वनितमित्यर्थ इति सूचयन्नाह । **प्रयोगेति** । अनेनाद्यार्थलाभः उक्तः । द्वितीयस्य तमाह । **चिरेति** । **शनैः शनैरिति** । उक्तरीत्येतिभावः । **दर्शितः** । अभिप्रेतः ॥ ३९ ॥

संगतिमाह । **ऋणप्रयोगेति** । ऋणदानेत्यर्थः ।

याज्ञवल्कीये ४० श्लोकः

प्रपन्नमित्यस्य व्याख्याऽभ्युपगतमधमर्णेनेति । अर्थपदार्थो **धनमिति** । व्याख्यानांतरमाह । **साक्ष्यादीति** । अत एवान्यथा शेषं पूरयति । **धर्मादिभिरिति** । लिङर्थाविवक्षया आह । **भवतीति** । तानेवाह । **धर्मादयश्चेति** । ते त्वित्यर्थः । प्रकृतोपयोग्यानर्थानाह । **प्रीतीत्यादिना** । पक्षांतरे एतेषां सर्वेषां उपायत्वं सूचयन्नाह । **उपायेनेति** । **बलेनेत्यस्य** व्याख्या **निगडेति** । एवं पदार्थानुक्त्वा वाक्यार्थमाह । **उपेति** । एतैः पंचभिर्व्यस्तैः समस्तैर्वा यथासंभवम् इतीत्यस्यार्थ इति शेषः ।

ध्वनितमाह । **प्रपन्नमिति** । अप्रतिपन्नमनंगीकृतादि साधयन् प्रत्याहरन्नेतैरुपायैरितिशेषः । ध्वनितत्वेनास्पष्टत्वात्[3] चिरकालऋणिके 'मत्वर्थीयष्ठन्' । **न्यायेति** । यथार्थानंगीकारादिभाषिणमित्यर्थः । **दमं** दंडं ।

उत्तरार्द्धार्थमाह । **यस्त्विति** । उपायैरित्यस्य साध्येत्यत्रान्वयः । 'कर्मणि लङि'त्याह । **याच्येति** । गमनमात्रेण नानिष्टम् । अतस्तस्य लक्ष्यार्थमाह । **राजानमिति** । लिङर्थाविवक्षया आह । **अभीति** । अनेन गच्छन् इत्यपपाठ इति सूचितं । विशेषाभावादाह । **शक्त्येति** । प्रपन्नसाधने उत्तमर्णस्य प्रागुक्तप्रकारवदत्रापि शेषसूचनाय तानाह । **दापने चेति** । **मनुनैवेति**-भावः ।

अधमर्णविशेषेणात्र प्रकारभेद इत्याह । **विप्रमिति** । एवं प्रागपि बोध्यं । **सांत्वेन** । प्रीतियुक्तसत्यवचनेन । **एवेने**तरव्यवच्छेदः । एवमग्रेऽपि । **देशेति** । साक्षिलेख्या-

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१ क—अभिवृद्धेस्य धनस्य । २ फ—प्रभुज्यमानार्थऋणस्य । ३ ख—ध्वनितत्वेन स्पष्टत्वात् । ४ ग फ—चिः ।

द्युपन्यासरूपव्यवहारेणाभोजनादिरूपेण च विप्रान्यानित्यर्थः । अनेन प्रागुक्तद्वयसंग्रहः । तत्रैव विशेषमाह । **दुष्टानिति** । अयं प्रागुक्तपंचमप्रकारः । तृतीयमाह । **ऋकिंथन-मिति** । विषयद्वये[1]ऽत्र । एवं च सामादयो नीतिशास्त्रोक्ता उपाया एवात्र शब्दांतरेण प्रोक्ता इति बोध्यं ।

नन्वत्र व्यवहाराभावेन कथं दंडादिदापनं राजकृतमत आह । **साध्येति** । अयं भावः । 'स्मृत्याचारे'त्यनेन तादृशस्य व्यवहारपदत्वमुक्तं । अत्र तु तदविरुद्धमार्गेणाधर्षितत्वाद्राज्ञे न निवेदनीयं । यदि निवेदयति तदा तन्निवेद्यमानं व्यवहारपदं न भवति । अत एव दंडा-दिमात्रं विधीयते । तत्राप्यादौ दंडस्य पश्चात्तस्येति निःशंकमविचार्य्य तथाकार्य्यमिति तद्विपरी-तोदाहरणमेतदित्यर्थ इति ॥ ४० ॥

याज्ञवल्कीये ४१ श्लोकः

बहुषु उत्तमर्णिकेषु चेति । अनुकंपादौ च एवमधमर्णिकेऽपि बोध्यं । अव्यवहितसंगतिर-नेनोक्ता । **गृहीतेति** । ग्रहणानुक्रमादित्यर्थः । **धनिनामित्युद्देश्यस्य** संबंधित्व[2]विवक्षया षष्ठी धनमितिशेषः । उत्तरार्द्धलब्धां व्यवस्थामाह । **समानेति** । सत्सु इति शेषः । **तुरुक्तवैल-क्षण्ये** तथा च **नृपते**रित्युपलक्षणं ॥ ४१ ॥

याज्ञवल्कीये ४२ श्लोकः

अग्रिमस्यापि अवतरणं ससंगतिकमाह । **यदा पुनरिति** । यदात्वित्यर्थः । अशक्तौ हेतुं सूचयन्नाह । **दुर्बल इति** । **च**स्त्वर्थे । व्युत्क्रमेण समुच्चये वा । भृतिदानं शब्दानुशासन-माचार्यस्येतिवत् प्रयोगः । शब्दार्थमाह । **अधमर्णोति** । साधितादित्यस्य साकांक्षं प्रकृतं शेष-माह । **प्रतीति** । कर्मधारयः । **दशकमिति** । पंचद्दशतो वर्गवेति+ । पक्षे परिमाणार्थकत्वं तं शतमित्यत्र **प्रतीति**शेषः तं प्रतिदशसंख्यासममित्यर्थः । एवं पंचकं शतमित्यपि बोध्यं ।

तत्र शतग्रहणमुपलक्षणमिति **प्रतीत्यत्र** कर्मधारयमन्यस्मै दापनाविवक्षां च सूचयन्नस्य तद्दशमांशत्वसंभवात्फलितमर्थमाह । **प्रतीति** । प्राग्वदर्थद्वयमाह । **रूपेणोति** । नोत्तमर्णादि-त्यादिः । तुर्व्युत्क्रमे इत्याह । **त्विति** । **प्राप्तेति** । अनेनातथात्वेनैवमिति सूचितं । एत-त्सूचक एव हिं[3] भृतिर्वेतनं अत्र तस्य सैत्त्वासंभवादेतस्यैव संभवादाह । **विंशतीति** ।

नन्विदमुभयमयुक्तं भृतिदण्डयोरत्रानुक्त्या राज्ञस्तु तदंशग्रहणमात्रप्रतीतेरिति चेन्न । ग्रहण-प्रतीतेर्निर्विवादत्वेन तत्र हेतुपरामर्शे दृष्टे सत्यदृष्टकल्पनाया अन्याय्यत्वेन तत्संभवे तदभावे-नाधमर्णे अंगीकृतो[5]र्थादानरूपापराधरूपस्य[6] दृष्टहेतोः संभवेनोत्तमर्णेऽपराधाभावेन केवला-शक्तिसत्त्वेन गुरुत्वलघुत्वतारतम्येनाधमर्णादपराधेन दंडस्य ग्रहणमुत्तमर्णादशक्त्या भृतेरिति तात्पर्यार्थः[7] ।

ननु प्रपन्नार्थसाधने इदं सर्वमुक्तम् । अप्रतिपन्ने तु का गतिरत आह । **अप्रतीति** । दंडेति । ससाधनप्रकार इत्यादिः । तत्रापि वक्ष्यत इत्युक्तं स्थितं तदत्रोक्तमेवेति बोध्यं ॥ ४२ ॥

१ फ—विषयद्वयमात्र । ग—विषयद्वयमत्र । २ ख—सम्बन्धत्व । ३ ख ग—हिः । ४ ख—तत्त्वा-संभवात् । ५ फ—अंगीकृताद्यर्था । ६ ख—अदृष्टहेतो । ७ ग फ—तात्पर्यात् । + व्या. सू. ५।१।६०

याज्ञवल्कीये ४३ श्लोकः

हीनजातिमित्यत्र शूद्रादिरेव न विवक्षित उत्तरार्धस्वारस्यादित्याह । **ब्राह्मेति** । योग्यतया आह । **उत्तेति** । **परिक्षीण**मित्यस्य व्याख्याऽनतिप्रसंगाय योग्यतया निर्धनमिति । 'मक्षिकार्थो धूम' इतिवद्दणार्थमित्याह । *ऋणनीति । योग्यतयाऽनतिप्रसंगायाह । **स्वेति** । नन्वेवं तत्कुटुंबविनाशः स्याद्रक्षणाभावादत आह । **तदिति** । तदुपयोगि । संपाद्यावशिष्टकाले इदं तेन कार्यमिति भावः ।

उत्तरार्धार्थमाह । **ब्राह्मेति** । अपिना तस्यापि संग्रहः । तेन न सर्वथा न्यूनता । **जातिमपि** ब्राह्मणादिकं । चः प्राग्वत् । **कर्मेति** समोपकृष्टजातिश्चाधमर्णिको धनिकेन सार्धमात्मानं कर्मणाऽपि समं तुल्यं कुर्यात् श्रेयांस्तु तद्धनं शनैर्दद्यादित्यर्थः । **अपिनोक्तसमुच्चयः** । तत्रास्य स्पष्टांशमाह । **उत्तेति** । कर्मणा धनादिकृततुल्यत्वासंभवात्सममिति व्याचष्टे । **निवृत्तोचेति** । अयं उत्तमर्णादिनिरूपिताधमर्णव्यपदेशस्तत्र यथा नास्त्येवं स्वस्मिन्नपीत्यर्थः । यद्वा दृष्टांतार्थमुत्तमर्णस्य ग्रहणं तयोर्मिथः सम्बन्धिकत्वादन्यतरनिवृत्तावपरस्यापि निवृत्तिः ॥ ४३ ॥

याज्ञवल्कीये ४४ श्लोकः

किंचेति । उत्तमर्णेऽन्यदप्युच्यत इत्यर्थः । उत्तरार्द्धानुरोधेनाह । **उपेति** । **स्वक**मित्यत्र 'स्वार्थे कनि'त्याह । **स्वीयमिति** । योग्यतया आह । **अथेति** । **य** इत्यस्यार्थो **उत्तेति** । अग्रहणे हेतुं पूरयति । **वृद्धीति** । तथैवाह । **यदीत्यादि** । मध्यस्थपदं लाक्षणिकमित्याह । **हस्ते इति** । **तत्** धनं । **तत** इत्यस्य व्याख्या **स्थापेति** । **परमिति** व्याचष्टे । **ऊर्ध्वमिति** । तुल्ययुक्त्येदमुक्तं विशेषमाह । **अथेति** । **याच्येति** । उत्तमर्णेनाधमर्ण इत्यर्थः । **ततः** । तस्मात् । **पूर्ववत्** । स्थापनतः प्राग्वत् ॥ ४४ ॥

एवमुत्तमर्णे प्रकारद्वयमुक्तमथाधमर्णे आह । **इदानीमिति** । **यदेति** कालनिर्देशः । **येने**त्यधिकारिनिर्देशः । तत् त्रितयं ।

याज्ञवल्कीये ४५ श्लोकः

अविभक्तैरित्यत्र बहुवचनबलात् बहुत्वं विवक्षितं । तथा च समस्तैर्व्यस्तैर्वा तैरित्यर्थः । **तु**र्वैलक्षण्ये । तत्फलितमाह । **अवीति** । **कुटुंबेत्यस्य** मध्यमणिन्यायेनान्वयः । वार्थे इत्यव्ययं । तत्रेत्याह ॥ **अर्थमिति** अस्योभयत्रान्वयः । तथा च बहुभिस्तैरेकैकेन वा कुटुंबरक्षणार्थं यद्दणं कृतमित्यर्थः । अनेन देयं ऋणं कथितं । उत्तरार्धस्वारस्येन शेषं पूरयति । 'तद्दणं कुटुंबी दद्यादिति' । अनेनाधिकारिकथनं । **तस्मिन्** कुटुंबिनि । **तदिति** । तस्य कुटुंबिनो ये रिक्थग्राहका इत्यर्थः । बहुवचनलभ्यमाह । **सर्वे इति** । अत्र 'प्रेते प्रोषिते वेति' कालाभिधानं 'तद्रिक्थिन' इत्यप्यधिकारिप्रदर्शकमेवेति भावः ॥ ४५ ॥

प्रत्युदेति । पूर्ववचनेन कुटुंब्यादिभिरधिकारिभिर्ऋणं देयमिति येनेत्यंशोऽपि कृतस्तत्र योषिदादीनामपि कुटुंब्यादित्वेऽधिकारित्वेन तस्य देयत्वं यद्यपि प्राप्तं तथापि विषयविशेषे

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* (ऋणनिवृत्त्यर्थमिति) । १ ख–तद्दरं । २ ग–तदनुक्तं ।

देयमिति पूर्वाभिहितमृणस्य देयत्वं व्यावर्त्यत इति प्रत्युदाहरणत्वमित्यर्थः। तथा चानेनादेयमृणमुच्यत इति भावः।

याज्ञवल्कीये ४६ श्लोकः

कृतमित्यस्य पूर्वत्रापि संबंधः। योषित्पदं योग्यतया ह्यर्थमिति पृथक् व्याचष्टे। **पत्येति**। पूर्वतोऽनुवृत्तेराह। **ऋणमिति**। सर्वमिति न्यायेनाह। **नैवेति**। द्वितीयपादार्थमाह। **तथेति** तुर्यपादार्थमाह। **तथेति**। योग्यतया स्त्रीपदार्थमाह॥ **भार्येति**। 'न दद्यादि'त्यस्यानुषंगः। अव्यवहितसंबंधभ्रमनिरासायाह। **कुटुंबेति**। सर्वे शेष इति पाठः। घञजपाः पुंसीत्युक्तेः शेषमिति पाठस्तस्य प्रायो वादत्वेन। यद्वा सर्वस्य शेषः शेषत्वं यस्य तत्। अत एव तत्प्रत्युदाहरणतया पूर्वैकवाक्यतेत्याह। **अतश्चेति**। **कृतं** ऋणमिति शेषः। **इ॒रैः** यैः कैश्चित् ***नारदोऽपि**–"न स्त्री पतिकृतं दद्यादृणं पुत्रकृतं तथा। अभ्युपेतादृते यद्वा सह पत्या कृतं भवेत्। दद्यादपुत्रा विधवा नियुक्ता वा मुमूर्षुणा। यो वा तद्रिक्थमादत्ते यतो रिक्थमृणं ततः॥" (अ. १ श्लो. १६–१७) **कात्यायनोऽपि**:—

"भर्त्रा पुत्रेण वा सार्धं केवलेनात्मना कृतम्। ऋणमेवंविधं देयं नान्यथा तत्कृतं स्त्रिया॥
भर्तृकामेन वा भर्त्रा उक्ता देयमृणं त्वया। अप्रपन्नाऽपि सा दाप्या धनं[1] यद्याश्रितं तया"
इति॥ ४६॥

तस्येति। अदेयप्रक्रमादिति शेषः। तथा चैतदर्थमेवमुक्तौ इतःपरस्यापि पाठक्रमादिति न्यायेनार्थक्रमतः पूर्वभावादपवादत्वमिति न काचिदसंगतिरिति भावः॥

याज्ञवल्कीये ४७ श्लोकः

द्यूतांतद्वंद्वस्य कृतशब्देन तृतीयातत्पुरुषः तस्य च प्रत्येकं संबंधः; सुरापदं च तत्पाने लाक्षणिकं साहचर्यादित्याह। **सुरापानेनेति**॥ वा[2] भावेति णत्वविकल्पः। कामो रत्यभिलाष इत्याह। **स्त्रीति**। बहुव्रीहिः। एवमग्रेऽपि। द्यूतेद्वैविध्यत्वेऽपि[3] जये तदभावादाह। **परेति**। लक्षणेतिभावः। दंडेत्यत्र द्वंद्वोत्तरं षष्ठीतत्पुरुषः। 'स्वार्थे कनि'त्याह। **दंडेति**। रक्षानिर्वेशो राजभागः शुल्कमितिभावः।

वृथादानमित्यस्य वृथादीयमानमित्याद्यर्थे शाब्दे बाधात्[4] पूर्ववत्तदवशिष्टमित्यर्थासंभवाच्चाह। **धूर्तेति**। तथा च तदनुकूलो व्यापारोऽत्र प्रतिज्ञारूप एवेति भावः। धूर्तादिभ्यो दत्तस्य वृथादानत्वं समूलयति। **धूर्ते इति**। **कितवे** द्यूतकारिणि। **चाटे** विदूषके। अत्र **'निष्फल'**-मित्युक्त्या[5] पारलौकिकफलाभावाद्वृथादानत्वं विवक्षितं न तु दृष्टफलाभावादितिभावः।

पदार्थानुक्त्वा वाक्यार्थमाह। **एतदिति**। पैतृकमिति व्याचष्टे। **पित्रेति**। अयं फलितार्थः आगत इत्यधिकारे[6] 'पितुर्यच्चेति' ठञ् विधानात्। उत्सर्गानुरोधेन पुत्रपदमुपलक्षण-

* इतः परः पाठः खपुस्तकोद्धृत एव. एतत्पाठस्तु गफ पुस्तकयोर्न दृश्यते।

१ 'धनं दद्यात्स्थितं स्त्रिया' 'धनं यद्याश्रितं स्त्रिया'–इत्यपि पाठान्तरे दृश्येते।

२ ख–वाहवेति। ३ ग–द्वैविध्यसत्वेऽपि। ४ फ–शाब्दे वादात्। ५ ख–क्त्वा।

६ फ–आगत इत्यधिकारि।

मित्याह । **पुत्रादिरिति** । इहेति व्याचष्टे । **शौंडीति** । तस्य तत्त्वविवक्षया तत्र सप्तमी । विशेषमाह । **अत्रेति** । वचने इत्यर्थः । **तु[1] पुत्रेण यच्च न व्यावेति** । न कुटुंबोपयोगीत्यर्थः । **मद्येति** । अत्र मद्यादिदंडान्तपदैस्तदर्थव्ययीकृतानि द्रव्याणि लक्ष्यंते । तानि पितृ[2]संबद्धानि पुत्रान्नाध्या[3]भवेयुरित्यर्थः । 'अधिभवेयुरिति' पाठांतरं । पराभवेयुरित्युभयार्थः । तात्पर्यार्थमाह । **न पुत्रेति** । तथा च 'दंडशुल्कावे'त्यत्र त्रयाणां समाहारद्वंद्वः । कन् स्वार्थे एव अवशिष्टं[4] चोपस्थितत्वात्तयोरेवेत्येवं विवक्षितं न तु प्रागुक्तमित्यनेन सूचितमिति बोध्यं । उपसंहरति । **अनेनेति** । उभयेनेत्यर्थः ॥ ४७ ॥

याज्ञवल्कीये ४८ श्लोकः

गोपेति अभ्यर्हितत्वात्पूर्वनिपातः । व्याधांतद्वंद्वे[5] योषिद्भिस्तत्पुरुषः । आदौ पदार्थानाह । **गोप इति** । अथ वाक्यार्थमाह । **एतेषामिति** । अनेन द्वंद्वः सूचितः । पतिरिति 'जातावेकवचनं[6]'मित्याह । **पतिभिरिति** । तत्र बीजमाह । **यस्मादिति** । **तेषां** । तत्पतीनां । अनेन तासामित्यपपाठ इति सूचितः । नेदं परिगणनं किं तूपलक्षणमित्यनेनैव सूचितमित्याह । **अन्येऽपि** । एतद्भिन्ना सर्वे ब्राह्मणादयोऽपि ॥ ४८ ॥

याज्ञवल्कीये ४९ श्लोकः

आद्यपादार्थमुक्तक्रमेण स्मृत्यंतरानुरोधेनाह । **मुमूर्षुणेति** । परलोके गंतुमिच्छता देशांतरं गमिष्यमाणेन वा भर्त्रा ऋणदाने तद्विषये **नियुक्तया** प्रेरितया भार्यया **यत्प्रतिपन्नं** तद्दानमंगीकृतं तत्तादृशं[7] तया देयं इत्यर्थः ।

द्वितीयपादार्थमाह । **यच्चेति** । अनेन वाचार्थे इति सूचितं । एवमग्रेऽपि ॥ अत्र 'पत्या सहे' त्युक्त्या तस्याप्राधान्यं सूचितं । एवमप्युक्तरीत्योभयोरभावे तस्या दानाधिकारादाह । **भर्त्रभावे** इत्यादि ।

तृतीयपादार्थमाह । **यच्चेति** । मध्यमतो भेदाय सर्वमिति न्यायेनाह । **स्वयमेवेति** । तथा च **नारदः** 'न स्त्री पतिकृतं दद्यादृणं पुत्रकृतं तथा । अभ्युपेतादृते यद्वा सह पत्या कृतं भवेत् ॥ दद्यादपुत्रा विधवा नियुक्ता या मुमूर्षुणा । यो वा तद्रिक्थमादद्याद्यतो ऋक्थं ऋणं तत ' इति (अ. १ श्लो. १६–१७) ॥ **कात्यायनोऽपि** "भर्त्रा पुत्रेण वा सार्द्धं केवलेनात्मना कृतं । ऋणमेवंविधं देयं नान्यथा तत्कृतं स्त्रिया । भर्तुकामेन वा भर्त्रा उक्ता देयमृणं त्वया । अप्रपन्नाऽपि सा दाप्या धनं यद्याश्रितं स्त्रियेति " ॥

त्रय एवेति । एकश्चोऽप्यर्थे । एते त्रयोऽर्जितधना अपि अधना एव । अस्वामिनोधने स्मृता इत्यर्थः । **यत्ते इति** । ते भार्यादयो यत्किंचित्**समधिगच्छंति**[8] धनमर्जयंति तद्धनं यस्य ते भार्यादयस्तस्य भवतीत्यर्थः । 'यस्य ते' इति पाठः; 'यस्यैते' इति पाठांतरं ।

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१ फ–तु पुत्रेण पौत्रेण । २ ग=पितृबद्धानि । ३ 'पुत्रान्नाध्यावहेयुरिति' गौतमीयपाठः । युक्ततरश्च । फ–नाद्याभवेयुरिति । ४ ख–अवशिष्टे । फ–अवसिष्टं । ५ ग–द्वंद्वयोषिद्भिः । ६ ख–व्या. सू. १।२।५८। ७–तद्दणं; ग–तादृशं । ८ फ–समधिगमयंति ।

नन्वनेन तस्या निर्द्धनत्वे प्रतीयमाने सति 'प्रतिपन्नमित्यादि' वचनशतैर्देयत्वोक्तावपि कथं तया देयं निर्द्धनत्वादत आह । **न चेति** । न हीत्यर्थः । **अनेन मनु**वचनेन । अत एव **शंकायामिति** उक्तपारतंत्र्येऽपि तन्मात्रप्रतिपादनतात्पर्यकत्वादित्यर्थः । तथा चानुज्ञां विना नाधिकारः स्वातंत्र्येण यत्र कुत्रचित् विनियोगे । सत्यां तु तस्यां सोऽस्तीतिभावः ।

नन्वत्र किं नियामकं तथैवार्थः कुतोऽन्यो न अयमपूर्वो विधिरस्तु तथा चैतदन्य-विषयत्वं तस्येति व्यवस्थासंभवाददोषोऽत आह । **एतच्चेति** । एवं सति तुर्यपादांशे एव शंकते । **नान्यदिति** । **सिद्धेरिति** । अर्थादिति शेषः प्राप्तेरेवाभावादिति भावः । यथाकथंचित्स्वयंकृतस्यावश्यदेयत्वादाह । **अनयोरिति** । **सुरेति** । सुरापानादिव्यसनेनोपात्तं कृतमित्यर्थः । **इतिरर्थसमाप्तौ** । एतेनैतच्छेषविषयता प्रागुक्तनिषेधस्येति ध्वनयितुं पुनरुक्तं नान्यदिति व्याख्यानमपास्तं तथा पुष्टेरभावात् ॥ ४९ ॥

सिंहावलोकनन्यायेन द्विर्बद्धमिति न्यायादरेणाह । **पुनरपीति** । कंचिद्विशेषं वक्तु-मितिभावः ॥

याज्ञवल्कीये ५० श्लोकः

वक्ष्यमाणक्रमायाह । **पितेति** । प्रागुक्तक्रमेणाह । **प्रेत इति** । **प्रोषिते** इत्यस्यार्थो **दूर इति** । सुरापानादिव्यसनाक्रांतऋणस्यादेयत्वस्योक्तत्वात् । **व्यसने**त्यस्य व्याख्याऽ**चिकित्स्येति**। **आदिना** आधिः । देयमित्यस्य व्याख्याऽवश्येति, आवश्यके कृत्य इति भावः ।

द्वंद्वादुभाभ्यां युगपद्देयमिति प्रतीयमानार्थनिरासायाह । **पुत्रेणेति** । बहुवचनं व्यत्ययभि-प्रायमतत्वादेवाह । **पित्र्येति** । पितुरागतेत्यर्थः । 'पितृधने'ति पाठांतरं । तत्र दाने । तुर्यपादा-र्थमाह । **पुत्रेणेति** । वक्ष्यमाणरीत्या साक्षिपदमुपलक्षणमित्याह । **साक्ष्यादीति** । सर्वस्यानु-षंग इत्याह । **ऋणमिति** । **अत्र** छंदोऽनुरोधेन यथाश्रुतोक्तिक्रमेण आर्धावशेषमाह । **अत्रेति विंशात्** । विंशतेः पूरणात् । तत्र 'पितरी'त्युपलक्षणमिति सूचयन्नाह । **पितृव्य इति** । कनिष्ठनिरासायाह । **ज्येष्ठ इति** । इदञ्चाविभक्तत्वे तदीयधनग्रहणे चेति बोध्यं ।

द्वितीये विशेषमाह । **प्रेतेऽपीति** । पितरीति शेषः । अग्रे पुत्रादिरिति शेषः । **तेनैव नार-देनैव** । **आऽष्टमात्** । आङभिव्याप्तौ । एवमग्रेऽपि ॥ तत्साहश्ययुक्तस्यैव नाम शिशुरिति । **षोडशादिति** । 'उटंतंपौगंड' इति बालस्यैव संज्ञान्तरं । **शब्द्यते** । कथ्यते । **परतः** । षो-डशवर्षादूर्ध्वं । **पितरावृते** । **तौ विना** । तत ऊर्ध्वं तयोरभावे स्वतंत्र इत्यर्थः ।

ननु षोडशवर्षानंतरं तस्य तत्ववत्तयोरभावे स्वातंत्र्यमिति नियमो वचनबोध्योऽयुक्तः । ततः पूर्वमपि पित्रोर्मरणे स्वातंत्र्यसिद्धेस्तथा च तद्वत्तस्यापि तद्दानाधिकारित्वमित्यप्राप्तव्यवहार-स्यापि ऋणं देयं स्यादित्यन्यथा प्रागुक्तमित्यत आह । **यद्यपीति** । पित्रोर्मेत्यर्थः । **अपिना** शिशुसमुच्चयः । व्युत्क्रमेणोक्तिरियं । **यथाहेति** । यतः स एव आहेत्यर्थः । **अप्राप्तेति** ।

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१ ख—शययभिप्रायमतत्वादेवाह । फ—व्यत्ययभिप्रायं उक्तत्वादेवाह ।

अप्राप्तव्यवहारः षोडशवर्षातिक्रमरहितश्चेद्यदि हि तदा तयोरभावात्स्वतंत्रोऽपि ऋणभाक् न भवतीत्यर्थः । **अपिना** अस्वतंत्रसमुच्चयः ।

ननु तत्र तद्वत्स्वातंत्र्यमपिमाऽस्तु अत आह । **स्वातंत्र्यमिति** । **हि** यतः । स्वातंत्र्यं ज्येष्ठे स्मृतं । न तु तत्रैवेत्यर्थः । ननु तद्वत्तदा तदपि नात आह । **ज्यैष्ठ्यमिति** । तथा च तयोरभावादुभयकृतज्यैष्ठ्याभावात्तस्मिन् तत्त्वेन तत्त्वेऽपि न तत्त्वार्थे वचनमनुतत्त्वमित्युक्तवचने तयोरभावाद्यः स्वतंत्रः स परतो व्यवहारज्ञः इत्यन्वयो न तु परत इत्यस्याग्रेऽप्यीति । नकोऽपि दोषः । अतएव तथैव प्रतिज्ञातं ।

तत्राप्राप्तव्यवहारत्वदृढीकरणेनोक्तार्थे युक्त्यंतरमपि सूचयन्नन्यदप्याह । **तथेति** । उक्तनिषेधवदित्यर्थः । **आसेधेति** । आसेधाह्वानयोर्निषेधोऽपीत्यर्थः । अन्यथा विरोधो दुष्परिहर इति भावः ।

विषमेति । संकटस्थाश्चेत्यर्थः । अत्र पश्चानां निषेधः । एवं सति प्राप्तस्मृत्यंतरविरोधं परिहरति । **तस्मादिति** । यतोऽप्राप्तव्यवहारो न ऋणभागुक्तवचनात् तस्मात् इतिवचनमित्येवं व्याख्येयमित्यर्थः । अन्यथा विरोधो दुष्परिहर इति भावः ।

अतः पुत्रत्वात् । **यत्नतः** यत्नेन । तदेवाह । **यथेति** । तथा च जातमात्रपुत्रेण स ऋणान्मोच्यत इति नार्थः । किं तु व्यवहारज्ञतया जातेन । तदूर्ध्ववर्षकेण[1] तेन स ततो मोच्य इत्यर्थः । नन्वेवं तस्य श्राद्धेऽप्यधिकारो न स्यात् उक्तव्यवहारानभिज्ञतया वैदिकव्यवहारानभिज्ञत्वस्य सुतरां सत्वादत आह । **श्राद्धे त्विति** । तु । उक्तवैलक्षण्येऽपि प्राग्वत् ।

न ब्रह्मेति । ब्रह्म वेदं नाभिव्याहारयेत् बालः स्वधाकारात् । निनीयते प्रणीयतेऽस्मिन् श्राद्धे **तत्स्वधानिनयनं** । ततोऽन्यत्र श्राद्धादन्यत्र नाभिभाषयेदित्यर्थः । अयंभावः । श्राद्धे वेदोच्चारणं कारयेद्यदि स्वयमनुपनीतः । उपनीतस्य स्वयमेवोच्चारणेऽधिकारात् । एवं च बालस्यापि प्रयोजककर्तृत्वप्रतीतिबलाद्यजमानताप्रतीतेरधिकारोऽस्तीति ।

वस्तुतस्तु ब्रह्म वेदमन्यो ऋत्विगादिः प्रयोजककर्ता । अनुपनीतं बालं नाभिव्याहारयेत् । तं वेदोच्चारणे न प्रयोजयेत्स्वधानिनयनादन्यत्रेत्यर्थः । **मनुरपि** । 'न ह्यस्मिन् युज्यते कर्म किंचिदामौंजिबंधनात् । नाभिव्याहारयेत् ब्रह्म स्वधानिनयनादृते' इति ॥ एवं च कृतचूडस्यानुपनीतस्यापि श्राद्धेऽधिकारस्तस्य मुख्यत्वात् ॥ एवं च तदुपयोगितया तस्य मंत्र पाठोऽपि भवत्येवेति बोध्यं । 'कृतचूडस्तु कुर्वीत उदकं पिंडमेव च । स्वधाकारं प्रयुंजीत मंत्रोच्चारं तु कारयेत्' इति । **नाग्रनाम्ना** लिपितं वचनं यदि समूलं तदा मंत्रविषये विकल्पो द्रष्टव्यः ।

व्यक्त्यभिप्रायेण कृतबहुवचनस्य फलमाह । **पुत्रपौत्रैरिति** । पंचम्यंतस्य गम्यत इत्यत्रान्वयः । **भक्ता इति** । तदेतिशेषः । क्वचित्पाठ एव । एवमग्रेऽपि । **संभूयेति** । मिलित्वा देयमिति संकेतेनेत्यर्थः । मिलित्वा एकीकरणेन वा । अंशतो दानमत्रापि । पूर्वं तु भेदेन दानमत्र तु मिलनेनेति विशेषः । अत एव **नारदैक्यता** । दद्युरित्यस्यानुषंगः । इदमग्रे स्फुटीभविष्यति ।

१ क–तदूर्ध्वं वर्णकंकणतने ।

तद्विवादप्रकरणे इदमपि समप्रधानविषयमत एवाह । **गुणेति** । **नाना** । नानां तु । **प्रधानेति** । मुख्येत्यर्थः । उक्तत्रये मानमाह । **यथाहेति** । अतः पुत्रत्वादूर्ध्वं पितुः तन्मरणाद्यनंतरं विभक्तावेत्यत एकत्रान्वयः । **यथांशत** इत्यस्योभयत्रान्वयः । अनेन प्रकारद्वयमुक्तं । तृतीयप्रकारमाह । **य इति** ।

विशेषमाह । **अत्र चेति** । **पुत्रपौत्रैरित्यस्मिन्** वचने इत्यर्थः । **समं** गृहीतसदृशं । **मूलमेवेति** । एवव्यवच्छेद्यमाह । **न वृद्धिरिति** । अत्र मानमाह । **ऋणमिति** । आत्मीयवदित्यनेन सवृद्धिकदानमुक्तं । **सममिति** । अर्थात् पौत्रेण । **तत्सुतेति** । पौत्रसुतस्य प्रपौत्रस्येत्यर्थः । पुत्रपौत्रैरिति विशेषस्यानेन गुरुवाक्येन सामान्यपरेण सहप्राप्तविरोधपरिहारः । 'सामान्यस्य विशेषे उपसंहार' इतिन्यायेन । तत्रांतरंगसिद्धेन[1] कर्तुं यद्यप्युचितस्तथापि सामान्यस्याधिकसंग्राहकत्वेन सफलत्वेन प्रबलत्वाद्विशेषस्य न्यूनत्वेन दुर्बलत्वेन तथा प्रकृते दुर्वचमिति वैपरीत्येन विरोधं परिहरति । **अत्रेति** । **बृहस्पति**वाक्य इत्यर्थः । **अवीति** । सामान्येनेत्यर्थः । **इत्यत्र** । मूलवाक्ये । **प्रमाणोपेति** । प्रमाणमात्रोपेत्यर्थः । तथा च **येन** केनापि प्रमाणेन साधितमृणं पुत्रादिना देयमित्यर्थेन न वचनयोर्मिथो विरोध इतिभावः । अत एव प्राक् तथा व्याख्यातं । अस्योत्तरार्धार्थमाह । **सममित्यादि** । विशेषांतरमाह । **अगृहीतेति** । नन्वत्र किं मानमत आह । **एतच्चेति** ॥ ५० ॥

संगतिं प्रसंगरूपामाह । **ऋणापेति** । ऋणनिवारणे इत्यर्थः ।

याज्ञवल्कीये ५१ श्लोकः

अन्यदीयेति । अन्यस्वामिकेत्यर्थः । अत एव च्चिः । व्यतिरिक्तप्रकारमेवाह । **विभागेति** । एवमाद्यपादार्थमुक्त्वा तत्तात्पर्यार्थमाह । **एतदिति** । **न चौरेति** । तस्य स्तेयादिना तद्ग्राहकत्वेऽप्युक्तरीत्या ऋक्थग्राहत्वाभावादिति भावः । द्वितीयपादार्थमाह । **योषितमिति** । अस्याभिमतार्थविशेषमाह । **भार्यामिति** । **तथैव चे**त्यस्य व्याख्या ऋणमिति । यद्वा तद्वदेवेत्यर्थः । तस्यानुषंगः । अस्यापि तात्पर्यार्थमाह । **यदीति** ।

ननु योषितोऽपि द्रव्यत्वेन रिक्थरूपत्वा'द्रिक्थग्राह'इत्यनेनैवेष्टसिध्येदं न वाच्यमत आह । योषित् द्रव्यं भवति । तथापि ऋक्थशब्दवाच्यत्वं नास्ति तस्याः विभागार्हद्रव्ये एव लोके रिक्थशब्दप्रयोगात् योषितश्च विभागानर्हत्वादितिभावः । **अविभज्येतिपाठः** । ण्यदंतत्वात् ।

तृतीयपादार्थमाह । **पुत्रश्चेति** । न अन्यः अनन्यः इत्याद्यर्थांतरनिरासाय तत्पदार्थमाह । **अन्यमिति** । तदर्थमाह । **मात्रिति** । तुर्यपादार्थमाह । **पुत्रहीनेति** । **ऋक्थिन इति** । प्रथमाबहुवचनांतमित्याशयेन सवचनविपरिणामेनानुषंगेणाह । **ऋणमिति** ।

एवं कर्त्रंतरे उक्तेऽपि क्रमो नोक्त इत्येतेषां ऋक्थग्राहादीनां मेलने केन क्रमेणैते ऋणं दाप्या इत्याकांक्षाया अशांतिरित्यवतरणासंगतिरत आह । **एतेषामिति** । तमेवाह । **ऋक्थेति** । असति बाधके उपात्तवचनपाठक्रमत्यागे मानाभावादितिभावः । तुर्ये विशेषस्य वक्ष्यमाणत्वादत्रानुक्तिः ।

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१ ग–तत्रांतरसिद्धे ।

ननु रिक्थग्राहादीनां सति समवाये क्रमचिंता, स एव नास्तीत्याह । **नन्वेतेषामिति ।** तमेव तदभावं क्रमेणोपपादयति । **न भ्रातर इति ।** पितुः भ्रातरः पितरश्च न रिक्थहरा अपि तत्पुत्रा एव तथेति मनूक्तत्वात् पुत्रे सत्यन्यस्य तत्वासंभवात्पुत्ररिक्थग्राहयोर्मेलनं नास्तीत्यर्थः ।

ननु माऽस्तु तयोः समवायः पुत्रयोषिद्ग्राहयोस्तु संभवत्येवेति चेन्न । तदभावादेव तयोस्तस्य दुर्वचत्वादित्याह । **योषिदिति ।** अत्र हेतुमाह । **न द्वितीय इति ।** द्वितीयभर्तृनिषेधादेव योषिद्ग्राहाभाव इति भावः ।

पुत्र इत्यपि व्यर्थं पुनरुक्तं चेत्याह । **तथा ऋणमिति ।** तत्र हेतुमाह । **पुत्रेति ।** तथा चास्यार्थस्य तेनैवोक्तत्वेन पौनरुक्त्यादत्र पुनः कथनमयुक्तमिति भावः ।

एवं विशेष्यानर्थक्यमुक्त्वा विशेषणानर्थक्यं भेदेनाप्याह । **अनन्येति ।** अत्रोपपत्तिमाह । **पुत्रे सतीति ।** अन्येनाश्रयणेत्यर्थः । तथा च तस्य सत्वे तस्यान्यागामित्वात्तद्व्यर्थमिति भावः । सत्यपि तस्मिन् तत्त्वं अभ्युपेत्यापि दोषमाह । **संभवे चेति ।** तत्र सत्यपि यदि ऋक्थग्राहोऽन्यः संभवति तदा केवलं पुत्रो न ऋणं दाप्यः किं त्वनन्याश्रितद्रव्यः स्वयमेव तद्ग्राहस्तद्देत्येवं अत्र पक्षे तद्विशेषणसार्थक्यमिति भावः ।

मूले यद्यप्यणंतं तथाप्यविशेषात् णिन्यंतेनाह । **ऋक्थग्राहीति ।** वासरूपन्यायेनेति भावः । ' ऋक्थभागृणं दाप्य ' इति पाठांतरम् ।

उक्तरीत्याऽत्र पक्षे विशेषणसाफल्येऽपि अस्यार्थस्याद्यपादेनैवोक्तत्वात् विशिष्टं निष्फलं पुनरुक्तं चेति भावः । तुर्यपादानर्थक्यमप्याह । **पुत्रेति ।** तदाशयमाह । **पुत्रे इति ।** यत इत्यादिः । वचनपाठक्रमस्य प्राबल्यात् तत्र सत्यपि स दाप्यस्तदा किमु वाच्यमसति तत्र स ऋणं दाप्य इतीत्येवं कैमुतिकन्यायेनैवास्यार्थस्य सिद्धत्वादिदमपि व्यर्थमिति भावः ।

एवं सर्ववचनमाक्षिप्य क्रमेण परिहरति । **अत्रोच्यते इत्यादिना ।** पुत्रे सत्यन्यस्य ऋक्थग्रहणासंभव इति यदुक्तं तत्राह । **पुत्रे इति ।** अत्र मानमाह । **तथा चेति । वक्ष्यति** मूलकृत् । अन्यथाऽपि संभवं प्रदर्शयन् तत्र मानांतरमाह । **तथेति । एकेषां,** मते । यद्वा एकेषां साधुवृत्तानां पितॄणाम् । यद्वा एकेषां साधुवृत्तानामन्येषां असवर्णपुत्राणां समवाये ।

उपसंहरति । **अतश्चेति ।** उक्तदोषस्य दृढत्वात् योषिद्ग्राहसद्भावस्य क्लिष्टत्वसूचनाय तत्सद्भावं शंकापूर्वकमाह । **योषिदिति ।** शास्त्रविरोधेनेति पाठः । नञ्घटितोऽपपाठःशास्त्रेण भर्त्रंतरनिषेधाद्यद्यपि स्त्रीणां द्वितीयः शास्त्रीयो नास्ति तथापि शास्त्रोल्लंघनकृतो योषिद्ग्राहत्वसंभवात्तादृशः स तत्पतिकृतऋणनिवारणेऽधिकारी भवत्येवेत्यर्थः ।

नन्वेवं प्रकारेणास्तु तत्संभवस्तथापि तस्य स्मृत्यंतरानुरोधेन तस्या अनेकविधत्वेनानेकविधत्वादनियमेन सर्वेऽपि किं ते तत्राधिकारिण इत्याशंकायां नियममाह । **यश्चतसृणामिति** ' निर्धारणे सर्वा षष्ठी ' । **प्रथमामिति** गृण्हातीत्यनुषज्जते ।

स्वैरिणीनां चातुर्विध्यं पुनर्भुवां च त्रैविध्यं तत्र च तद्ग्राहयोरवाधिकार इत्येतत्सर्वं **नारदो**क्त्या प्रकाशयति । **यथाहेत्यादि श्रित इतीत्यंतेन ।**

परेति । परः पतिः पूर्वो यासां ता इत्यर्थः । तासां सप्तानां कन्यैवेत्यस्य व्याख्या । **अक्षतेति ।** एवेन व्यभिचारकृतदोषनिरासः । तर्हि किं प्रयुक्तोऽस्या दोषोऽत आह । **पाणीति ।** तेनैव दूषिता नान्ये-

१ ख–णास्य २ ख–संभवे । ३ ख समवायो । ४ ख–किमयुक्तो ।

नेत्यर्थः । तथा च तदेवास्या दूषकताबीजं नान्यत्तदपि नाद्यं किंतु द्वितीयमित्याह । **पुनः संस्केति** । ईदृशी या सा तेन पुनर्भूः प्रथमोक्तेत्यर्थः ।

देशेति । दानसंबंधिन इत्यर्थः । **अन्यस्मै** द्वितीयस्मै । **सवर्णाया**सपिंडाय । प्रकृतेऽन्यसाहसासंभवादाह । **व्यभीति** । अग्रेऽकारप्रश्लेषः । पत्यौ जीवत्येव सति । **कामात्स्वे**च्छया । एवमग्रेऽपि । **अन्यं** यं कंचित् । **कौमारमिति** । अपूर्वपतिं कुमारीमुपपन्नामित्यर्थः । **प्राप्तानिति** । नियोगविधिना प्राप्तान् **देवरादीन्** परित्यज्येत्यर्थः । **परम्** अन्यं । यं कंचित् । **प्राप्ता देशादिति** । देशांतरात्प्राप्ता सती या धनक्रीता भवति सा या च क्षुत्पिपासातुरा सती तवाहमित्येवं प्राप्ता भवति सा च स्त्री चतुर्थी स्वैरिणी कथितेत्यर्थः । **अंतिमेति** । तासां मध्ये याऽन्तिमा तासां मध्ये च या प्रथमा तेऽप्यनुपाश्रितौ तौ तयोः पतिकृतं ऋणं दद्यातामित्यर्थः ।

तथा तद्वत् उभयवत् । **अन्यः** उभयान्योऽपि । **तेनैव नारदेनैव वा**चार्थे । क्वचिन्न पाठ एव । अनेन विशेषणद्वयेनान्याश्रयणे आत्मादेर्धनस्य च रक्षणमात्रं निमित्तं न तु कामादिरिति सूचितम् । पत्यौ मृते इति शेषः । **अस्या** भर्तुरित्यन्वयः । व्यवहारानभिज्ञतया तया ऋणं न दत्तमिति भावः । **तथैव** । यथा समागता तथैव । कथमपि सर्वथाऽस्पृष्टामिति यावत् । प्रगतधनसहितेत्यर्थनिरासायाह । **प्रकृष्टेनेति** ।

अन्यमपि तमाह । **तथेति** । तदुक्तिरेवेयमपि । **हि**श्चार्थे । **वोढुः** पत्युः । अत्र हेतुमाह । **सैवेति** । **चो** ह्यर्थे । **अस्य** पत्युः ।

तृतीयपादे दत्तदोषद्वयमुद्धर्तुमादौ विशेष्यसाफल्यमाह । **पुत्रस्येति** । 'पुत्रोऽनन्ये' त्यत्र पुत्रग्रहणमुक्तयोरुभयोरभावे तेन ऋणं देयमित्येवंविधक्रमबोधनार्थं न तु तत्र तस्याधिकारप्रदर्शनार्थम्, येन पौनरुक्त्यं स्यादित्यर्थः । विशेषणस्यापि सार्थक्यमाह । **अनन्येति** । तस्य तत्त्वेन तत्राधिकारो न पुत्रत्वमात्रेणेति अंधादीनामन्याश्रितद्रव्यत्वेनांधत्वादिदोषयुक्तत्वेन पितृरिक्थांशग्रहणायोग्यत्वेन नाधिकारस्तत्र किं त्वनंधादीनामेव तत्त्वेनाधिकार इत्येतदर्थकतया विशेषणस्य सार्थक्यमिति भावः । तथा च योग्यपुत्रत्वेन तत्राधिकारो न पुत्रत्वमात्रेणेति सूचनार्थम् **एतदिति** तत्वम् । एवं च पुत्रत्वेनेत्यादि यत् पुत्रपौत्रैरित्यत्रोक्तं तदप्येवंपरतया व्याख्येयमिति न प्रागुक्तविरोऽधोपीति बोध्यम् ।

तुर्यपादे दत्तदोषमुद्धराति । **पुत्रेति** । पुत्रग्रहणं तत्रोपलक्षणमित्याह । **पौत्रेति** । पूर्वत्र द्वयोरेवोपात्तत्वान्नातिप्रसंगः । 'रिक्थिन इति' प्रथमाबहुवचनांतमवेत्याह । **प्रपौत्रादय इति** । **तदृणमिति** । तदा प्रपितामहस्य ऋणमित्यर्थः । **नान्यथा** । तदीयरिक्थग्रहणाभावे । रिक्थभाज एव प्रपौत्रादेस्तादृशप्रपितामहादेर्ऋणदानेऽधिकारो नान्यस्येत्येतत्प्रतिपादकतयेदमपि सफलमिति तात्पर्यार्थः । तद्धीनत्वनिवेशस्य फलमाह । **पुत्रपौत्रौ त्विति** । योग्यावित्यर्थः । अत एव तत्र नातिप्रसंग इत्युक्तम् अनुपदमेव । **इत्युक्तमिति** । पुत्रपौत्रैर्ऋणं देयमित्यत्रेत्यर्थः ।

अत्र नान्यथेत्यत्र संवादमाह । **यथाहेति** । **अव्याहतं** निष्कपटम् । क्रमात्प्राप्तमित्यस्यैव व्याख्या **पुत्रैरिति** । **तत्** ऋणम् । **चतुर्थात्** रिक्थग्राहिण इत्यर्थः । आरभ्येति शेषः ।

ननु स्वरसतो न ततस्तदर्थप्रतीतिः । किंच **नारद**वचनः सामान्येनैव निषेधप्रतीतिस्तत्संकोचे दृढतरमानांतराभावश्चातस्तं तुर्यांशमन्यथा व्याचष्टे । **यद्वेति** । पुत्रस्तादृशः । **उक्तमिति** त्रयाणां क्रमः प्रागुक्त एवेति भावः । तत्र द्वितीयतृतीययोर्वैपरीत्यमपीत्याह । **पुत्राभावे इति** ।

१ ङ-इदमेव । २ २ क-यामा । ३ ङ-नैयो अनुपाश्रितौ । ४ ख-पत्नौ । ५ क-प्रगत् प्रगत- । ६ ङ-अन्यमुचितमाह । ७ ङ-विशेषणस्यापसार्थक्यम् । ८ क-द्वितीयातृतीयवैपरीत्य ।

अत्र पक्षे तेषां बहुत्वासंभवात् तद्बहुवचनासंगते रिक्थिन इति पंचम्यंतम्। विभक्तिलिंगविपरिणामने ऋणं दाप्य इत्यस्यानुषंगात्तस्य यो रिक्थी तस्माहणं दाप्यमित्यर्थस्तदेतत् ध्वनयन् फलितमाह। **योषिद्ग्राह इति।**

ननु 'रिक्थिन' इत्यतः कथमुक्तार्थलाभोऽत आह। **ऋक्थेति।** प्रकृते इति शेषः। अतो न पूर्वविरोधः। अन्यथाऽनुपपत्तिस्तु न। उक्तवक्ष्यमाणप्रकाराभ्यां व्याख्यानसंभवादतोऽत्र साधकांतरं प्रागुक्त-**नारद**मेवादावाह। **सैव चेति।**

साधकांतरमाह। **य इति।** अत्र यो यस्य दारान् हरते स तस्य धनमपि हरेदिति न विधिर्बोध्यः कामात्, किंतु यतो दारा एव धनमतो यो यस्य दारान् हरते तद्व्यपदेशभागिव तद्धनहारीति व्यपदेशभागपि भवतीत्यर्थः। अस्य चोपयोगः प्रायश्चित्तादौ बोध्यः।

पुत्रस्तादृशः। **ग्राह इति।** 'ऋणं दाप्य' इत्यस्यानुषंगः। **विरुद्धमिति।** द्वितीयतृतीययोर्यः क्रमः प्रागुक्तस्तद्विपरीतस्तुर्यते एवं व्याख्यायां प्रतीयत इति मिथः क्रमे विरुद्ध इत्यर्थः। दोषांतरमाह **उभयेति।** द्वयोः सत्वे मिथ अभावोपलक्षितयोरेव तयोस्तत्पदत्वनियमेनोपलक्षकाभावे सति केनापि ऋणं न देयं स्यादित्यर्थः। इष्टापत्तिस्त्वत्र न। 'यदा तु न सकुल्याः स्युर्न च संबंधिबांधवाः॥ तदा दद्याद्विजेभ्यस्तु तेष्वसत्स्वप्सु निक्षिपेत्'। (**नारदिये** १११३) इति तस्यावश्यदेयत्वप्रतिपादकस्मृतिविरोधापत्तेरिति भावः।

नैष इति। जातावेकवचनम्। प्रागुक्ताः प्रकृतोपयुक्ता अपि योषिद्ग्राहा अनेके यद्यपि तथापि कोटिद्वयं तेषां कार्यं, अंतिमस्वैरिणीग्राही प्रथमपुनर्भूग्राही सप्रधनस्त्रीग्राही चेत्येका कोटिः, निर्धननिरपत्यस्त्रीग्राहीति त्वन्या कोटिः। एवं सति व्यवस्थासंभवान्न दोष इत्याशयेनाद्यकोट्याशयेनाद्यपक्षमाह। **अंतिमेति। यत इत्यादि।** एवं चैतत्कोट्यंतर्भूतयोषिद्ग्राहाभावे पुत्र ऋणं दाप्य इति तस्यार्थ इति भावः।

द्वितीयकोट्याशयेन द्वितीयपक्षमाह। **पुत्राभावे त्विति।** तथा च तदभावे एतद्बोध्य योषिद्ग्राहो ऋणं दाप्य इति तदर्थः। तथा च यदि सामान्येन तत्तदभावे स स दाप्य इत्युक्तं स्यात्तदोक्तदोषः स्यात्। तदेव न, किंतूक्तरीत्याऽवांतरभेदपुरस्कारेणेति न क्रमविरोधो नापि तद्वचनविरोधोऽवश्यदेयत्वस्यैवानेन प्रतिपादनादिति भावः।

ननु विनिगमकाभावे वैपरीत्यमेवकुतो न? अत आह। **एतदेवेति।** एवेन तद्व्यवच्छेदः। एवंच तदनुरोधेनैवमेवोक्तं नत्वन्यथा तद्विरोधापत्तेरिति भावः। अभ्यर्हितत्वाद्धनस्य पूर्वनिपातः। पुत्रयोरितीति पाठः। धनस्त्रीहारिणौ च पुत्रश्चेति द्वंद्व इत्याशयेन व्याचष्टे। **धनेति।** शेषमाह। **समेति।** लिङ्र्थाविवक्षया आह। **हरते इति।** क्वचिदत्रापि हरेदित्येवपाठः। **स्त्रीधनिनोरिति।** अभ्यर्हितत्वाविवक्षयाऽल्पाच्तरत्वेन स्त्रीशब्दस्य पूर्वनिपातः। इन्यंतेन द्वंद्वेनेन्यंतयोरेकशेषेणेष्टार्थलाभादाह। **स्त्री चेति।** 'सर्वं वाक्यमिति' न्यायेन सानुषंगेणाह। **पुत्र एवेति।** एवमग्रेऽपि। अत्रापि प्रसक्तं प्राग्वत् विरोधं प्रागुक्तरीत्यैव परिहरति। **स्त्रीति।**

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१ क-ङ-तत्र। २ क-ङ-बहुवचना-। ३ क-इति पुत्रस्तादृशः यस्य दारान् हरत। ४ ख-तादृशग्राह-। ५ ङ-तुर्यस्य ६ ख--लक्षितयो-। ७ ख-स्वलपपदत्वनियमेन। ८ क-ख-दृष्टापेति स्वजन-। ९ क-अवांतरे। १० क-क्रमे विरोधो। ११ पृ. ३५ पं. ९।१२ ख-क-इष्टार्था-लाभादाह।

नन्विदमपि व्याख्यानमयुक्तम्; उक्तस्मृतिभ्यां स्त्रियो धनत्वलाभेऽपि ऋक्थत्वालाभात्, तत्रैव द्रव्ये तत्प्रयोगात्, लोकप्रसिद्धितः शास्त्रप्रसिद्धेः प्राबल्यादत आह । **पुत्रहीनस्येति ।** प्रतिज्ञात-व्याख्यानांतरमेवाभिधातुमादावाकांक्षापूर्वकमर्थसिद्धं किंचिदाह । **एते इति ।** रिक्थेत्यादिद्रव्य इत्यंतेनोक्ता इत्यर्थः । ऋणं दाप्या इत्युक्तेराकांक्षोदयादिति भावः ।

अत्र पक्षे रिक्थिन इति तस्य तत्त्वविवक्षया षष्ठ्यंतमिति तदनुरोधेनाह । **कस्येति ।** एवमग्रेऽपि **उ[3]क्तेति ।** आदौ तस्यैवोपस्थितेर्योग्यत्वाच्च । आदिना पौत्रादिग्रहणम् । एवमर्थसिद्धमुक्त्वा तदाह । **पुत्राद्यभावे इति ।** पुत्रपदमुपलक्षणमिति सूचयन्नर्थमाह । **पुत्राद्येति ।** अन्वयो वंशपरंपरा ।

ननु न सामानाधिकरण्यं बाधितार्थकत्वादत आह । **यो रिक्थार्थाति ।** तदसत्त्वेऽपि निर्वाहार्थमाह । **योग्यं[4] इति । तस्येति ।** तादृशस्य सपिंडादेः एते रिक्थग्राहादयः पूर्वोक्तक्रमेण ऋणं दाप्या इत्यर्थः । वचनविपरिणामेनाह । **दाप्या इति ।** अत्र सर्वत्र मानमाह । **तथा चेति ।** अग्रेऽन्वयः । तस्य तु यद्देयं तत्सान्वयस्येत्यर्थः । **सः** यस्य देयं सः सान्वयः ब्राह्मणः । एवमग्रेऽपि । उभयत्र चश्चेदर्थे । तदेति शेषः । **निर्वपेत्** प्रक्षिपेत् । **कुल्येषु** तत्सकुल्येषु तदृणमिति शेषः । **अस्य** ब्राह्मणस्य उत्तमर्णस्य । एवं प्रागपि । निर्वपेदित्यस्यानुषंगोऽग्रे । सगोत्रसपिंडाः सकुल्याः । असगोत्रसपिंडा बंधवः । संबंधी उक्त एव । अनेन पुत्राद्यन्वयाभावे सपिंडाद्यभावे च कस्य ते दाप्यास्तादित्यप्याकांक्षाशांतिः कृता । अत्रैते 'धने' त्यादि 'तत्पुत्रादि' रित्यंतेनोक्तार्थेऽर्द्धश्लोकः किंचिन्न्यूनो मानं । ' पुत्राद्यभावे ' इत्यादि ' दाप्या ' इत्यंतेनोक्तार्थे श्लोकद्वयं तावन्मात्रन्यूनं मानम् । स चार्थोऽनेनान्वयव्यतिरेकाभ्यां दृढीकृतः । तत्र ' निर्वपेदि ' त्यंतेनान्वयः । तदन्वयाभावे तत्सकुल्यादिषु निर्वपेदित्यन्वयमुखेनाभिधानात्; ' यदा तु नसोति ' व्यतिरेकः । तथा च सकुल्याद्यभावे एव द्विजादौ निक्षिपेदित्युक्त्या सत्सु तेषु द्विजादावृणदाननिषेधध्वननद्वारा प्रागुक्तार्थदृढीकरणमिति भावः ॥ ५१ ॥

संगतिमाहा**धुनेति ।** तुर्यपादस्य चरमव्याख्यानेन रिक्थेन ऋणं गृह्णीयान्नान्य इति नियमलाभेन रिक्थग्रहणायोग्यपुरुषविशेषस्य ऋणग्रहणनिषेधस्याप्यर्थालाभेनार्थिकऋणग्रहणप्रतिषेधप्रसंगेन पुरुषविशेषे वक्ष्यमाणेऽन्यदपि प्रातिभाव्यादिकमपि अवांतरप्रकरणमिदं वक्तुं प्रतिषेधतीत्यर्थः । **अपिना** ऋणग्रहस्यापि समुच्चयः । अन्यथैतत्प्रकरणे एतदसंगतिः स्पष्टैवेति भावः । इदं च ऋणग्रहणप्रतिषेधप्रसंगादिति क्वाचित्कासंबद्धपाठाभिप्रायेण व्याख्यातम् । वस्तुतस्तु ऋणग्रहणं प्रतिषेधन्प्रसंगादिति प्रचुरः पाठो युक्तश्चेति बोध्यम् । तदा अधुना अधमर्णीयपंचविधग्रहणधर्मादिकथनानंतरं वक्ष्यमाणे पुरुषविशेष ऋणग्रहणस्य प्रतिषेधं कुर्वन् तत्प्रतिषेधप्रसंगात्तदर्थं प्रातिभाव्यादिकमपि प्रतिषेधतीत्यर्थः । **अपिः** प्राग्वत् । तदसङ्गतिः स्पष्टैवेति भावः ।

याज्ञवल्कीये ५२ श्लोकः ।

अथेति सर्वादौ योज्यम् । उच्यते इति शेषः । एतदर्थं एवाधुनेत्यादिनोक्तः । पदार्थमुक्त्वा वाक्यार्थमाह । **भ्रातृणामिति ।** चः पितापुत्रयोर्मिथःसमुच्चायक इत्याह । **पुत्रयोरिति ।** सर्वसमुच्चायकेद्यर्थमाह । **चेति ।** ' अवी ' त्य स्य भावप्रत्ययांतस्य न भात्रादिधर्मपरत्वं तस्य स्वत एव सिद्धत्वात् । द्रव्यद्वारकविभागग्रहणे क्लिष्टत्वमिति सूचयन् कर्मप्रत्ययेनाह । **द्रव्ये इति** सत्सप्तमी । स्पष्टत्वायैतदर्थमाह । **द्रव्य इति । ऋणं** तत् ग्रहणं । नेति एवान्वयः ।

१-पृ. ३५ पं. १३॥२-५१ श्लोकस्य चरणत्रये आद्य उक्ताः । ३ उत्तमर्णस्येति । ४ रिक्थग्रहणयोग्य इति । ५ इ-इत्यर्थं वचन ६ द्रव्यविभागात्प्रागिति ।

अत्र 'तु' सूचि 'तैव' व्यवच्छेद्यतात्पर्यार्थबोधकवाक्यांतरमाह। **अपि त्विति**। तैरेवेति भावः। तत्र हेतुमाह। **सार्धेति**। कर्मधारये हेतौ[1]वैयधिकरण्यापत्तिः। अतः साधारणं समुदितं सर्वस्वत्वा-प[2]न्नं धनं येषां भ्रात्रादीनां तेषां भावस्तत्त्वं तस्मादित्यर्थः।

नन्वेतावताऽपि कुतस्तद्भावोऽत आह। **प्रातीति**। क्रमे तात्पर्यात्पूर्वनिपातः। **पक्षे** अधमर्णकृतदानाभावपक्षे। **द्रव्येति**। द्रव्यस्य तद्दानस्यावसानं पर्यवसानं ययोस्तत्त्वादित्यर्थः। तत्र यद्यपि दानप्रतिभुवि निःसंदिग्धमिदं तथाऽपि वक्ष्यमाणरीत्या दर्शनप्रत्ययप्रतिभुवोरिव साक्षिणोऽपि तदस्तीति स्फुटीभविष्यति। साधारणेन धनेन तु इदमेकेन कर्तुमशक्यमिति तात्पर्यम्। अत एव विशेषमाह। **एतच्चेति। अविभक्तानामपि**। भ्रात्रादीनाम्। नन्वेवम् 'अविभक्ते' इति वाक्यार्थविशेषणं व्यर्थमत आह। **विभागादिति**। अपिना तस्या अपि समुच्चयः। एतद्विशेषबोधकमेव तदिति भावः।

दंपत्यंशे यत् प्रागुक्तं त[3]त् तत्राविभक्ते इत्यास्यानुपपत्त्या आक्षिपति। **नन्विति**। अत्र हेतुमाह। **तयोरिति**। तयोर्विभागस्यैवाभावेन तदंशेऽविभक्ते इति वाक्यार्थविशेषणानर्थक्यादित्यर्थः। तथा च तयोः सार्वकालिकत्वे[4]न्निषेधे वाच्ये तथा निषेधोक्तिरयुक्तेत्यर्थः।

ननु तत्रैव किं मानमत आह। **विभागेति**। अर्धांगीकारेण परिहरति। **सत्यमिति। आपस्तं-बार्थमाह। श्रौतेति। न पुनः**। न तु। विभागेत्यस्यानुषंगः।

ननु तथैवार्थः कुतो नातो हेतुमाह। **तथाहीति। हि** यत**स्तथो**क्ताशयेनैवमुक्तवानित्यर्थः। पाणीत्यादि व्याचष्टे। **यस्मादिति**। ह्यर्थोऽयम्। क्वचिद्धि यस्मादित्येव पाठः। तस्या हेतुत्वेन पंचम्युपपत्तये आह। **आरभ्येति। सहत्वं** साहित्यम्। श्रुतिमाह। **जायेति**। आकांक्षाशांतये पूरयति। **तस्मादिति। सहेति**। तच्छ्रवणादित्यर्थः। **कार इति। सिद्ध इति**। तयोस्तत्र विभागो नास्तीति शेषः। श्रौते उक्त्वा स्मार्ते आह। **तथेति। अग्निसाध्येष्वपि कर्मस्विति**। अग्निसाध्येषु कर्मस्वपीत्यर्थः। एवेन विभागव्यवच्छेद इति तल्लाभः। एवमुभयत्र सहाधिकारविधिबलादर्थसिद्धमर्थमाह। **अतश्चेति। पूर्तेषु** तडागादिषु। 'पूर्तं खाता[5]दिकर्मणी' **त्यमरः। तथा पुण्येति**। व्याचष्टे। **तथेति** चार्थोऽयम्। तत्रत्यतथेत्यस्य तु तद्वदित्यर्थः। कर्मधारयनिरासायाह। **पुण्यानामिति। दिवीति**। दिवि द्युलोकादावजरं कारणभूतसुकृतनाशपर्यंतमविनश्वरं जरारहितं वा ज्योतिस्तेजःप्रधानं कलेवर-मारभेतामित्यर्थः।

नन्वेवं सर्वत्र तत्वे सर्वकर्मसु तत्वापत्त्या पूर्तेष्वपि प्रागुक्तपृथगधिकारो न सिद्ध्येदतो निष्कृष्टार्थमाह। **येष्विति। पुनः** तु।

'द्रव्येषु चे' त्यंशं द्रढयितुमाह। **ननु द्रव्येति**। यथा तद्बलादुक्तस्थले सहत्वं विभागाभावश्च तथा द्रव्यस्वाम्येपि सहत्वविधायकवचनबलात् सहत्वसिद्ध्या द्रव्यसाध्यपुत्रादिफलेष्वपि दंपत्योः सहत्वापत्तिः। सहितयोरेव द्रव्यस्वाम्यात् द्रव्यस्याविभाज्यतापत्तिरपि। तथा च द्रव्येऽपि दंपत्योर्विभागाभावात् प्रागुक्तदोष एवेति भावः। **उक्तं आपस्तंबेन**। तमेवाह। **द्रव्येति**। पाणिग्रहणाद्धि सहत्वमित्यनुवर्तते। तत आरभ्य द्रव्येषु परिग्रहेषु पुत्रादिजनेषु च सहत्वमेव दंपत्योरित्यर्थः। अत्र हेतुमाह। **न हीति**। भर्तुर्विप्रवासे विशेषेण प्रवासे सति भार्याया नैमित्तिकदानविषये हि यतो न स्तेयं चौर्यमुपदिशन्तीति। द्रव्यस्वाम्येऽपि सहत्वविधानात्तद्व[6]द्द्रव्येऽपि विभागो नास्तीत्यर्थः।

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१ साधारणधनत्वादिति। २ क–ख–सर्वस्वत्वाक्रांतं। ३ ख–तद्विशेषणांशे आक्षिपति। ४ ङ–सार्वकालिकतया। ५ अ. को. २।७।२८। ६ ख–तद्वत्तथात्र तन्मात्रविभागो नास्ति।

प्रत्तिः । सजातीयस्थले उक्तं ' एकच्छायाश्रितेष्विति ' तत्प्रतीकं धृत्वा पदार्थकथनपूर्वकं व्याचष्टे । **एकेति** । सादृश्यं विशदयति । **अधमर्ण इति** ।

एवमिति । स यथा दर्शनाय विश्वासाय च स्थितः एवं तेऽपीत्यर्थः । एभिर्वेत्यस्य व्याख्या **प्रतीति** । **काममिति** । दद्यादिति शेषः । रुचिबीजं कथयन् तात्पर्यार्थमाह । **अतश्चेति** । आदिना सत्यवाक्क्त्वाभिजात्यादि । **स्वार्थं** स्वधनम् । विशेषमाह**हैकेति** । तेषां मध्ये इत्यर्थः । **सः** सोऽपि । **सर्वं** सवृद्धिकम् । **मृते तु कस्मिंश्चित्तादिति** । तेषां मध्ये कस्मिंश्चित्प्रतिभुवि **मृते** इत्यर्थः । वैलक्षण्यसूचकस्तुः । **अंशमिति** । अवशिष्टं त्वर्थादवशिष्टानां मध्ये यथारुचि दाप्य इति भावः । **एकेति** । तेषांमध्ये पदार्थः यस्तत्र दृश्यते यो धनिकेच्छाविषयत्वेन ज्ञायते तेषां मध्ये कस्मिंश्चिद्देशांतरं गते सति तत्सुतोऽपि तदिच्छया सर्वं दाप्यः । तेषां मध्ये कस्मिंश्चिन्मृते तु तत्सुतः स्वपित्र्यमंशमेव दाप्यो न सर्वम् । तत्रापि **समम्** अवृद्धिकमेवेत्यर्थः । पित्रंशमिति पाठः । पित्र्यंशमिति पाठे ' शकंध्वादित्वं ' बोध्यम् ॥ ५५ ॥

संगतिमाह । **प्रातीति** । **दत्तस्य प्रतिक्रियाविधिमिति** । पलायनं कृत्वा पुनः परावृत्तस्याधमर्णस्येति भावः ।

याज्ञवल्कीये ५६ श्लोकः ।

यत्विति पाठं सूचयन्नाह । **यदिति** । धनमित्यस्य व्याख्या **द्रव्यमिति** । ऋणमिति पाठांतरम् । प्रतिभूग्रहणमुक्तरीत्योपलक्षणमित्याह । **तत्पुत्र इति** । विशेषमाह । **धनिकनेति** । धनिना **इति** प्राग्वत् । विशेषोक्तिव्यवच्छेद्यमाह । **न पुनरिति** । न तु इत्यर्थः । विशेषे मानमाह । **यथाहेति** । ऋणिके मत्वर्थीयष्टन् । राजेति शेषः ।

उत्तरार्धार्थमाह । **ऋणिकैरिति** । भवेदित्यस्य व्याख्या **स्यादिति** । विशेषमाह । **तच्चेति** । तच्च द्विगुणमित्यन्वयः । कालेत्यस्य व्याख्या **सद्य एवेति** । **वचनेति** । प्रतिभूरिति वचनेनेत्यर्थः । अन्यथैतदानर्थक्यं स्पष्टमेव । तथा तस्य प्रागेवोक्तत्वादिति भावः । अनुपदं वस्त्रादौ विशेषस्य वक्ष्यमाणत्वादाह**तच्चेति** । न वस्त्रधान्यादि विषयकमित्यर्थः ।

वचनस्यान्यविषयतया 'तच्चेत्या' द्युक्तविशेषमाक्षिपति । **नन्विदमिति** । उक्तवचनमित्यर्थः । मात्रपदेनोक्तविशेषव्यवच्छेदः । **पूर्वोक्तेति** । **पूर्वोक्तः, काले** मासादौ कलावृद्धिस्तस्या यः क्रमस्तद्बाधेनापीत्यर्थः । स्वकृतवृद्ध्यनुसारेण यदा कालांतरे द्वैगुण्यमेति धनं तदैव दत्तद्रव्याय प्रतिभुवे द्विगुणं दातव्यमधमर्णेनेति द्वैगुण्यमात्रप्रतिपादकेनानेन वचनेन बोध्यते । अन्यथा तु यावती वृद्धिस्तत्सहितं मूलं धनं देयं न द्विगुणमिति सद्यो द्विगुणदानमयुक्तमिति भावः ।

अबाधेनोपपत्तौ दृष्टांतमाह । **यथेति** । चतुर्थे तृतीयपादे अंन्तिमाधिकरणम् । ' फलसंयोगस्त्वचोदिते न स्यात्संयोगस्याशेषभूतत्वादिति' । 'वैश्वानरं द्वादशकपालं निर्वपेत्पुत्रे जाते' इत्यादि श्रूयते । तत्र संशयः, पुत्रजन्मानंतरमेवेयमिष्टिः कार्येत जातकर्मानंतरमेवेति । निमित्तस्य पुत्रजन्मनो नियोज्यविशेषणत्वेन निमित्तानंतरमेव कार्येति जातकर्मणः प्रागेवेति पूर्वपक्षः । सिद्धांतस्तु, न केवलं जन्मविशेषणं नियोज्यस्यापितु पुत्रगतपूतत्वादिकमपि । एवं च जन्मपूतत्वरूपनिमित्तयोः संवलितयोरेव नियोज्यविशेषणत्वं । पुत्रगतपूतत्वादिकं च पुत्रे जीवत्यभिलषितं पितुर्न तद्वैपरीत्ये । जीवनं च

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१ एकच्छायाश्रितेषु इति । २ ख-ङ-सप्तदशाधिकरणे द्वितीयवर्णकं । तेषांमध्ये यथारुचि दाप्य इति भावः । ३ व्या. सू. ६।१।९२ वार्तिकम् । ४ ख-क-धनिनामिति । ५ ख-क-विषयता तच्चेत्याद्युक्त । ६ ख-क-प्रथमाधिकरण-। ७ ख-नियोज्यमविशेषणत्वम् ।

स्तनपानादेव । स्तनपानं च जातकर्मणः प्राङ्निषिद्धं अतो जातकर्मानंतरमेवेष्टिः । एवंच जन्मानंतरभाविन्या इष्टेर्जातकर्मानंतरमुत्कर्षे आशौचानंतरमेव कार्या न जातकर्मानंतरम् । कालशौचरूपांगत्यागे मानाभावात् । शुचिना कर्म कर्तव्यमित्यस्यापवादाभावादिति । इदं च **गुरुमते**नोक्तम् । **भट्टमते** तु संशयांतं प्राग्वत् । निमित्तानंतरं नैमित्तिकस्यावश्यंभावित्वाज्जन्मन एव निमित्तत्वाज्जन्मानंतरमेवेति पूर्वपक्षः । सिद्धांतस्तु वाक्यशेषश्रुतपुत्रगतपवित्रत्वादिफलकामनावान् वैश्वानरेष्टावधिकारी । तच्च फलं जीवत्येव पुत्रेऽभीष्टम् । जीवनं च शिशोर्जातमात्रस्य स्तनपानायत्तमेव । तच्च स्तनपानं जातकर्मानंतरमेव न ततः प्राक् । अतः पुत्रगतपवित्रत्वादिफलावरोधेन जातकर्मानन्तरमेवेष्टिरिति ।

एवंस्थिते तृतीयवर्णकेऽन्यों चिंता, जातकर्मानंतरमेवेष्टिरुताशौचापगम इति । तत्र तद्गतोक्तरूपप्रयोजनवशाज्जन्मरूपनिमित्तानंतरप्राप्ताऽपीयमिष्टिर्जातकर्मानंतरमुत्कृष्टा ।

एवमुत्कृष्टायाः पुनराशौचानंतरमुत्कर्षे प्रयोजनाभावात् जातकर्मानंतरमेवेति पूर्वपक्षे उच्यते । निमित्तानंतर्यमिष्टेस्तावत् बाधितमेव । तद्गतोक्तप्रयोजनवशात् । बाधिते च निमित्तानंतर्ये शुद्धकालप्रतीक्षया आशौचापगमे पौर्णमास्यादिके काले कार्या । शुद्धकालस्याप्यंगत्वात् । शुचिना कर्मेत्यस्यापवादाभावादिति । तथा च शुद्धकालरूपमंगमबाधित्वैव जातेष्टिविधानम् ।

तथा अशीतिभाग इत्यादिना प्रागुक्तो यः कालक्रमेण वृद्धिक्रमस्तमबाधित्वैव द्वैगुण्यविधानमिति सद्यो न द्वैगुण्यमिति भावः । अत्र सद्यो द्वैगुण्यदानपक्षे अग्रे अनुपपत्तिमप्याह । **अपि च सद्येति** । द्विगुणवृद्धिसहितेत्यर्थः । सद्यो द्वैगुण्यं नाम सद्य एव वृद्ध्या सह द्वैगुण्यं न स्वरूपतः । वृद्धिस्तु पशुस्त्रीणां संततिरेव 'संततिस्तु पशुस्त्रीणां' इत्युक्तत्वात् । तथा च सद्यस्तथा द्वैगुण्यदानपक्षे पशुस्त्रीषु सद्यः संतत्यभावान्मूलमात्रमेव देयं स्यादिति, 'संततिः स्त्रीपशुष्वेवेति' वक्ष्यमाणमुपपन्नमित्यर्थः । **वस्त्रेति** । यत इत्यादिः । वस्त्रेत्यादिवचनारंभसामर्थ्येनैव तत्क्रमेण द्वैगुण्यादेः प्राप्तौ पुनरत्र तथाताद्विधिर्व्यर्थ इति, पूर्वाप्राप्तं सद्यो द्वैगुण्यमेवागत्यावश्यं विधेयम् । दृष्टांते तु तद्विधिवाक्यस्यानर्थक्याभावाच्छुचिनेत्येतद्बाधेनाप्युपपत्तिरिति विशेष इति तद्वैषम्यमिति भावः ।

एवमाद्यदोषमुद्धृत्य द्वितीयदोषमुद्धरति । **पशुस्त्रीणां त्विति** । तथा च तत्संभवापेक्षं न तु नियतमिति भावः । अभ्युपेत्येदम् । वस्तुतस्तदयुक्तमेवेति सूचयन् तदा तत्संभवमप्याह । **यदेति** । तावता कालेनेति पाठः । **संघेति** । तेन सह संगतो भवतीत्यर्थः । सद्यः संघटनपक्षे आह । **यद्वेति । पूर्वेति** । प्रतिभूकर्तृकद्रव्यदानात्पूर्वं अधमर्णस्य पलायनदशायां विद्यमानतादशायां वा जातेत्यर्थः । अथास्य वचनस्य विषयविशेषपर्यवसानद्वारा कालक्रमेणैव द्विगुणदानविधिपरत्वाक्षेपाय तदुपयुक्तं किंचिदाह । **अथेति** । उच्येतेति शेषः । **नच** नहि । **नारद**माह । **यथाहेति । यत्किंचित्**प्रतिभूदत्तं धनिकदत्तं वा । **पंचकमिति** । प्राग्वत् । तमेवाक्षेपमाह । **अतश्चेति । अस्य** प्रतिभूसंबंधिनः । यावत् द्विगुणमित्यव्ययीभावः । प्रीतिदत्तस्थलेऽयाचिते तदभावस्योक्तत्वेन प्रतिभूदत्तस्यापि तादृशस्योक्तरीत्या तथात्वेन वृद्ध्यभावे प्राप्ते तदपवादत्वेनायाचितस्यापि तस्येदं प्रतिपाद्यत इत्यर्थः । **अस्यार्थस्येति** । वाक्यार्थो हि वाच्यो लक्ष्यो व्यंग्यो वा भवेत् । तत्रायं नाद्यः, अप्रतीतेः; न द्वितीयः, मानाभावात्; अत एव नांत्य इत्यर्थः । तदाह । **द्विगुणमिति** । उपसंहरति । **तस्मादिति** ॥ ५६ ॥

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१ ख–जन्मातनंतरम् । २ क–अन्यचिंता । ३ ख–आशौचामंतरम् । ४ क–वधित च । ५ ख–पुत्ररतथा तद्विधिर्यथ । इति पूर्वापार्स सद्योद्वैगुण्यमेव मेत्यावश्यं विधेयः । क–आनवान्छुधिने ।

याज्ञवल्कीये ५७ श्लोकः।

संर्वत्र। वस्त्रादावपि। 'अल्पाच्तरत्वात्' स्त्रियाः पूर्वनिपातः। (व्या.सू.२।२।३४॥) तेषु संततिरेवे त्यर्थः। प्रागुक्तरीत्यैवाह। **कालानादेति**। **वृद्ध्या सह**। आधिवर्ज्यम्। सामान्यतः सर्वतात्पर्यमाह। **यस्येति**। विशेषमाह। **यदा त्विति**। **संप्रेति**। प्रतिज्ञाते प्राप्ते इत्यर्थः। **तत्र** पक्षत्रये। एवमग्रेऽपि। अत्र मानमाह। **नष्टस्येति**। **परम्** अधिकम्। **काले इति**। परस्मिन्नपि काले। यदि स न तथा कुर्यात्तदा तस्मिन् काले व्यतीते तु साति सः तं निबंधं तमर्थं दापयेदित्यर्थः।

उक्तप्रकारमन्यत्रातिदिशति। **प्रेते चेति**। अधमर्णे इत्यर्थः। विशेषांतरमाह। **लग्नकेति**। प्रतिभू-विशेषनिषेधोऽपीत्यर्थः। केषांचित् प्रतिभूत्वनिषेध इति यावत्। **तेनैव कात्यायनेनैव**। अत्र स्वामि-त्वादिकं स्वनिरूपितं ग्राह्यम्। **क्वचित्** क्वापि। **रिक्थी** पुत्रादिः। **दातुं** धनमिति शेषः। **जीवन्निति**। यस्य पिता जीवन् जीवति। 'व्यत्ययेन[1]' शता। आस्ते इति शेषो वा। सोऽपि चेत्यर्थः। **तथैवेच्छेति**। अस्वेच्छाचरणशील इत्यर्थः। **स्वेति** प्रतिभूत्वकरणमभिसमीक्ष्येत्यर्थः। प्रतिभूः स्वक्रियेति पाठांतरम्। अत्र धनिकेन स्वदानक्रियामभिसमीक्ष्येत्यर्थः। **अन्यथा पौनरुक्त्यं** स्पष्टमेव। **इति प्रतिभूविधिः**।

प्रसक्तसाक्षिनिरूपणमकृत्वा आधिरूपणे संगतिमाह। **धनेति**। तद्दाने इत्यर्थः। **विश्रंभो** विश्वासः। **अत्र** धनप्रयोगे। **तत्र** तयोर्मध्ये। **इदानीमिति**। तत्प्रसंगेऽपि। ततोऽस्यांतरंगत्वादिति भावः। तस्यादौ सामान्यलक्षणमाह। **आधिर्नामेति**। **द्रव्यस्योपेति**। उत्कृष्टविश्वासेत्यर्थः। यद्वा। निरूपणस्योभयरूपत्वेन मूलानुक्तमुभयं वक्तुं उपरीति लोकोक्तिः। तत्प्रतिनिधित्वेनेत्यर्थः। **अधीति**। स्थाप्यत इत्यर्थः। एवं रूढिमुक्त्वा योगमाह। **आधीति**। अर्थः स एव। अत एव **नारदवाक्ये** तथोक्तम्। तेनोभयप्रदर्शनम्। अत एव तत्र तथोक्तम्। अथ भेदमाह। **स चेति**। **द्विवीति**। द्विस्वरूप इत्यर्थः। **सः** द्विविधोऽपि संदिग्धत्वात् कृतेत्यादि पदत्रयम् तत्रत्यांशक्रमेण व्याचष्टे। **कृते** इत्यादिना **थं**[6] इत्यन्तेन। **काले इति**। अनेन कर्मधारयोत्तरं 'कृत्यैर्ऋण' (व्या. सू. २-१-४३) इति सप्तमीसमासः सूचितः। अस्यार्थमाह **आधानेत्यादि काले** इत्यंतेन। एवेनानंतरकालव्यावृत्तिः। उपार्थमाह। **आत्मेति**। विशिष्टतात्पर्यार्थमाह। **मोचेति**।

अयमेव कृतकालः। एतत्स्वरूपमुक्त्वाऽकृतकालाख्यद्वितीयस्वरूपं निर्वक्ति। **देयामिति**। बहुल-ग्रहणात् 'भावे कृत्यैः' इत्याह। **दानमिति**। 'अव्ययीभावः पदार्थानतिवृत्तावि'त्याह। **देयमनेति**। उद्यतपदार्थमाह। **नियत इति**। उभयोरंतर्भावितण्यर्थत्वसूचनायाह। **स्थापित इति**। सुंप्सुपेति समासमाह। **यावदिति**। तत्तात्पर्यार्थमाह। **गृहीतेति**। **प्रत्यर्पणं** दानम्। तस्यापि तमाह। **अनीति**। आच्छाद्य इत्यर्थनिरासाय तत्स्वरूपमाह। **रक्षेति**। भोग्यस्तु प्रसिद्ध इति भावः॥५७॥

याज्ञवल्कीये ५८ श्लोकः।

एवं चाधेश्चातुर्विध्यमनेनोक्तम्। गोप्यः कृतकालोऽकृतकालश्च एवं भोग्यो द्वेधेति। तदाह **एवमिति**। उक्तप्रकारेणेत्यर्थः। **मोच्यते इति**। 'मोक्ष्यते इति' पाठांतरम्। तत्र 'मोक्ष मोक्षणे' इति धातुर्बोध्यः। मोक्षत इति त्वपपाठः।

१ क–आद्यबहुलम्। २ 'व्यत्ययो बहुलम्' व्या. सू. ३–१–८५॥ ३ क–साक्षिनिरूपणां। ४ क–तत्र। ५ क–म (तु ?) क्त्वा। ६ 'रक्षणीय' पृ.३९ पं.२.७ 'कृत्यल्युटो बहुलम्' व्या. सू. ३-३-११३॥ ८ 'अव्ययं विभक्ति...' व्या. सू. २-१-६. ९ सुपा व्या. सू. २-१-४

आद्यार्धार्थमाह । **प्रयुक्ते इति** । दत्ते इत्यर्थः । **भूते सति** । **अधमर्णस्वं** तदीयस्वत्वम् । क्वचिद्व्यस्तपाठः । षष्ठ्यन्तमात्रपाठे स्वमित्यग्रिमस्यात्राप्यन्वयो बोध्यः । न केवलं तावदित्याह । **धनेति** । तृतीयपादार्थं पदार्थपूर्वमाह । **कालकृत इति** । अस्य पूर्वानुक्तत्वभ्रमनिरासायाह । **कृतेति** । ननु एवं सति तदसंगतिः । अन्यथा पूर्वविरोधापत्तिरत आह । **आहितेति** । पूर्वतो वैलक्षण्यायाह । **स त्विति** । शेषमाह । **प्राप्ते इति** । गते सतीत्यर्थः । अत एव पूर्वेण अगतार्थत्वमाह । **द्वैगुण्यादिति** । तद्वत् तुर्यपादार्थमाह । **फलेति** । उक्तसूत्रेणैवं पूर्वनिपातस्तस्याकृतिगणत्वादित्याह । **फलमिति** । तृतीयासमासस्तु वक्तुमुचितः । **कदेति** । द्वैगुण्ये काले च प्राप्ते सत्यपीत्यर्थः ।

नन्वेवं वाक्यार्थत्रये त्रिषु विशेषलाभेऽपि तुर्ये तदलाभात्प्रतिज्ञाहानिरतोऽन्यथा दुर्वचत्वाद्व्युत्क्रमेण सर्वत्र तेषु विभज्य तमाह । **कृतेत्यादि** । इदमुभयपरं संकोचे मानाभावादित्याह । **गोप्येति** । अत एवाह । **अकृतेति** । विशेषोक्तेराह । **भोग्येति** । **अवेति** । पर्यवस्यतीत्यर्थः ।

कृतकालगोप्यभोग्याध्योः कृतकालातिक्रमे नाशः । अकृतकालगोप्याधेर्द्वैगुण्यातिक्रमे स इत्युक्तम् । तत्र द्वैगुण्यतत्कालातिक्रममात्रयोरेव न सः किंतु ततोऽप्यग्रे स्वल्पोऽवकाशोऽस्तीति प्राग्वत् विशेषमाह । **द्वैगुण्येति** । तदेवाह । **हिरण्ये इति** । 'बंधकस्येति' मध्यमणिन्यायेनान्वेति । **प्रतीक्ष्य चेति**पाठः । प्रतीक्षेदित्यपपाठः । हिरण्ये द्विगुणीभूते सति कृतावधेर्बंधकस्य काले पूर्णे च सति धनी उत्तमर्णः द्विसप्ताहं प्रतीक्ष्य बंधकस्य स्वामी भवतीत्यर्थः । द्विः सप्त, द्विसप्तास्तेषामह्नां समाहारो द्विसप्ताहं चतुर्दशदिनानि । प्रतीक्षाफलमाह । **तदंतरेति** । चतुर्दशदिनमध्ये इत्यर्थः ।

कृतकाले तथाप्रतिज्ञयोभयत्र नाशेऽकृतकालगोप्याधौ स न संभवतीति पूर्वार्धोक्तमाक्षिपति । **नन्विति** । हेत्वंतरमाह । **मन्विति** । तदेवाह । **न चाधेरिति.** । तथा शब्दादप्रतीतेर्व्याचष्टे । **कालेनेति** । 'साधनं कृतेति' समासः । बहुकालेनेत्यर्थः । **संरोधः** स्थितिस्तदाह **चिरेति** । **न च विक्रय इति** । अस्तीत्यस्यानुषंगः ।

नन्वेतावताऽपि नोक्तार्थलाभोऽत आह । **एवमिति** । चिरकालावस्थानेनेत्यर्थः । 'आधीत्यस्या' 'ऽन्यत्रेत्यादिः' । अन्यथैतदसंगतिः स्पष्टैवेति भावः । **सोपेति** । सोपाधिकी चासौ स्वत्वनिवृत्तिश्च तस्यास्तत्र वा हेतुरित्यर्थः ।एवमग्रेऽपि । स्वत्वनिवृत्तिस्वत्वापत्त्योः स्वाभाविकत्वाभावेन सोपाधिकेत्युभयत्र विशेषणम् ।प्रसिद्धत्वादेरुभयत्रान्वयः ।

नन्वस्त्वेवं लोकतस्तथाप्यात्यंतिकयोस्तयोरभावादाधिनाशः कथमत आह । **तत्रेति** । तत्र तस्यं तयोस्तद्धेतुत्वे प्रसिद्धौ चेत्यर्थः । **धनेति** । अनेन **बृहस्पति**वचनेन तयोस्तस्यात्यंतनिवृत्तेस्तयोस्तदुभयं क्रमेण मूलवचनेन भवतीत्यर्थः । तदंतरेत्यादि वदता **बृहस्पतिना** तयोरनंतरमपि चतुर्दशदिनमध्ये एव पूर्वद्रव्यं देयं नाग्रे इति सूचितम् । तथा च तदनंतरमत्यंतद्रव्यदाननिवृत्तिलाभेन निवृत्ते द्रव्यदाने 'आधिः प्रणश्येदि' त्यनेनाधमर्णस्यात्यंतिकीस्वत्वनिवृत्तिरुत्तमर्णस्य चात्यंतिकी स्वत्वप्राप्तिरुपदिश्यते । अन्यथा वचनवैयर्थ्यं स्पष्ट मेवेति भावः ।

एवमाद्यदोषमुद्धृत्य द्वितीयमुद्धराति । **न चेति** । **सोपकारे** । उपकारसहिते भोग्याधाविति

१ क-तदीयस्वं, ख-......स्वतं । २ ख-उक्तमूलेनैव । ३ ख-द्वैत्रैगुण्ये । ४ पृ. ३९ पृ. ११ (अवतिष्ठते इति) ५ प्रतिज्ञायोगमत्र । ६ "तृतीया तत्कृतार्थेन गुणवचनेनेति" व्या. सू. २-१-३०॥ ७ ख-तत्र तस्याः ।

यावत्। तत्राप्यकृतकाले इति बोध्यम्। कुसीदेन तदर्थद्रव्यप्रयोगेण कृता ताम्। अत एव तथैव तत्तात्पर्यमाह। **भोग्येति**। **निषेधेनेति**। तयोर्निषेधेनेत्यर्थः। **उक्तमिति**। अत्रैव वचने इति भावः।

नन्वेवं **मनो**र्न्यूनता गोप्याधिविषयानुक्तेरत आह। **गोप्येति**। अतएव 'बलादि'त्युक्तम्। **वक्ष्यते**। अव्यवहितमेव। अत एवाविरोधं स्पष्टयन् प्रकृतमाह। **आधिरिति**।

याज्ञवल्कीये ५९ श्लोकः।

किंचेति। विशेषांतरमत्राहेत्यर्थः। 'नो' इत्यस्य व्याख्या **नेति**। न तु दोषाल्पत्वादयुक्तमेतदत आह। **अल्पेऽपीति**। **समयः** संकेतः। 'चा'र्थमाह। **तथेति**। अथेति तत्र पाठांतरम्। अर्थः स एव। उपकारसाहित्यं तत्कर्तृत्वेन नान्यथेत्याह। **उपेति**। अस्य समयवशेन द्वैविध्यादाह। **सवृद्धिके इति**। अन्यथैतदसंगतिः स्पष्टैव। स्वरूपहानेरविवक्षितत्वादाह। **व्यवेति**। उक्तहेतोरेवानुषंगमाह। **नो वृद्धिरिति**। उत्तरार्धं विवृण्वन् गोप्यभोग्याधिसाधारणं धर्ममाह। **नष्टो वीति**। एतेन प्रसिद्धार्थनिरासः। अग्रिमेण पौनरुक्त्यापत्तेः। तृतीयांतं पूर्वान्वयि। छिद्रं च भेदनं विदारणं च तदादीत्यर्थः। योग्यतया आह। **पूर्ववदिति**। उभयसाधारण्यमेव विशदयति। **तत्रेति**। तयोर्मध्ये इत्यर्थः। **चेत्** यदि। तदेति शेषः। एवमग्रेऽपि। अत एवाह। **उपेति**। अपिना नाशसमुच्चयः। 'वृद्धिरपीति' प्रथमपादोक्तत्वात्। अपिना पूर्ववत् करणसमुच्चयः। **वृद्धिः** वृद्धिरपि। द्वितीयपादोक्तत्वात्। 'द्धिर्वेति' पाठे वा समुच्चये। असद्भावे तु तावन्मात्रमेवेति बोध्यम्। द्वितीयस्याप्युभयाधिविषयत्वं कथयंस्तत्साधारणधर्ममाह। **विनष्ट इति**। 'वि'पदलभ्यमाह। **आत्यंतिकेति**। चार्थमाह। **सोऽपीति**। तत्स्वरूपस्यैवाभावादाह। **मूल्यादीति**। **तद्दाने** धनिना तस्मिन् दत्ते स्वीयं तादृशं सर्वं स लभते। **मूल्यं** मूलं। एवमग्रे। सर्वत्र धनीत्यस्य मध्यमणिन्यायेनान्वयः। विशेषमाह। **यदीति**। **मूलनाश इति**। तथा सति सुतरां वृद्धिनाश इति भावः। **विनष्टे** अदत्ते। तथेति शेषः। अव्यवहितापवादत्वेन तुर्यपादं सप्रतीकं व्याचष्टे। **दैवेति**। अत एवाह। **विनाशादिति**। तत्रापि विशेषमाह। **स्वापेति**। **कृतात्**। विनाशाद्विनेत्यनुषज्यते। अनेन सूचितं तत्र विशेषमाह। **दैवेति**। ईदृशे स्थलेऽधमर्णस्यैव वस्तुनाशो नोत्तमर्णस्येति भावः। तदसंभवे आह। **आध्यंतरं वेति**। **स्रोतसा** नद्यादिसंबंधिना। **राज्ञेति** अधिकृतद्वारेति भावः। अत एव णिच्। अथशब्दोऽव्यवहिततदानंतर्ये। **धनं** सवृद्धिकम्। तत्र न्यूनतां निराचष्टे। **तत्रेति**। तयोर्मध्ये इत्यर्थः। द्वितीयस्य कंठत उक्तत्वादिति भावः। **दैवेति**। दैवकृतमात्रेत्यर्थः॥

याज्ञवल्कीये ६० श्लोकः।

अपि चेति। अन्यदप्याधिविषये आहेत्यर्थः। संकोचे मानाभावादुभयसाधारण्येन व्याचष्टे। **आधेरिति**। अत एव गोप्यस्य स्वीकरणमात्रत्वेन निर्वाहेऽपि भोग्येऽनिर्वाहात्तदुपलक्षणमित्याह। **उपेति**। तथा च यथासंख्यमन्वयः। प्रकृतं साकांक्षत्वादाह। **आधीति**। हेतुव्यवच्छेद्यमेवाह। **न साक्षीति**। मात्रपदेन विशिष्टस्य सिद्धिजनकत्वं सूचितमत एव प्रागवधारणानुक्तिः। **उद्देशो** वस्तुसंकीर्तनम्। उपदेशेति पाठांतरम्। भोग्यस्य भोगेनैव सिद्धिरित्यत्र मानमाह। **यथाहेति**।

यद्वा। स्वीकरणादित्यर्थस्य व्याख्या **उपभोगादिति**। 'भुजपालनाभ्यवहारयोरि' त्युक्तेर्गोप्याधावुपभोगः परिपालनम्, भोग्यास्याभ्यवहरणं फलाद्युपभोग इति यावत्। उपशब्दस्तु सामीप्य-

१ पृ. ३९ पं. २४॥ २ ख—नष्टस्तावन्मात्रं चेत्—यदि। ३ पृ. ४० प. ४॥ ४ यदेति मिताक्षरापाठः। ५ ख—ईदृशस्यैव वस्तुनाशः नोत्तमर्णस्य। ६ क—दित्यास्या। ख—दित्यस्या—।

सामर्थ्यव्याप्त्याचार्यकरणदोषख्यापनदाक्षिण्यवीप्सारंभपूजोद्योगकार्याहत्यमरणखादनानशनेषु वर्तत इति यथासंभवं योज्यः। अत्र पक्षे उभयत्र मानमाह। **यथाहेति। भोग इति**। उक्तद्व्यर्थकमिदम्। **अन्यथा** उक्तभोगाभावे, साक्ष्यादिमात्रेण नेत्यर्थः। ननु किमनेन प्रकृते साधितमत आह। **अस्य चेति**। आधेः स्वीकरणात्सिद्धिरित्यस्येत्यर्थः। **इतीति**। इत्युक्तार्थसिद्धिः फलमित्यर्थः। फलत्वमेव विशदयाति। [2]**येति**। स्वीकारपदमुक्तार्थकं। 'रक्ष्यमाणोऽपी' त्यादि व्याचष्टे। **स चाधिरिति**। द्विविध इत्यर्थः। उक्तिसामर्थ्यादाह। [3]**यत्नेनेति**। अविरोधायाह। **कालेति**। चेदर्थमाह। **यदीति**। 'असारे' त्यादिव्याख्या **अविकृत एवेति**। विकृते प्रागुक्तत्वेनापौनरुक्त्यायेदमुक्तम्। **ततः** तदा। यद्वा तत इत्यस्यान्य इत्यत्रान्वयः। तदेति शेषः। तदेत्येव पाठांतरम्। तदेति सूचितार्थमाह। **रक्ष्येति**। अन्यथोक्तिवैयर्थ्यं स्पष्टमेव ॥ ६० ॥

इत्यस्येति। इति पूर्वोक्तस्याकृतकालगोप्याधिविषयकस्य तन्नाशस्येत्यर्थः ॥

याज्ञवल्कीये ६१ श्लोकः।

शोभनेति। सदाचरणमित्यर्थः। सुप्सुपा साधनं कृतेति समासौ क्रमेणाह। **चरित्रेणेत्यादिना**। विनिगमकाभावादाह। **परेति**। एवं पदार्थं उक्त्वा [4]तात्पर्यार्थमाह। **एतदिति। बह्विति**। तदर्थमव्ययं भिन्नं पदं वा तत्रात्मसात्कृतमाह। **धनिन इति**। द्वितीयमाह। **योदि वेति। स** इत्यस्य व्याख्या **नृप** इति। 'सह[5]युक्ते' इति तृतीयेत्याह। **सहेति**। तदपवादत्वं स्पष्टयितुमाह। **अयमाशय इति। एवंरूपमिति**। चरित्रहेतुकमित्यर्थः।

उत्तरार्द्धं व्याचष्टे। **तथेति**। तत्रादौ सत्यमिति। पदार्थांतरस्यानुपयोगिनो निरासायाह। **करणमित्यादि। सत्यंकार इति**। समयकरणमित्यर्थः। शपथकरणमिति यावत्। सूत्रे 'कार इति' घञंताणंतयोस्तंत्रेण निर्देश इति भावः। शाब्दस्य वाक्यार्थस्य स्फुटत्वादाह। **अयमिति**। आशय इत्यर्थः। **तत्**। सत्यंकारकृतं द्रव्यम्। संभवादाह। **अन्योऽर्थ इति। चरित्रेति**। पद्यस्येति भावः। विशेषणसमासमाह। **चरित्रमिति**। अत्र पक्षे चरित्रशब्देन सदाचरणं नोच्यते। किंतु तज्जन्यफलमित्याह। **चरित्रेति**। अग्रे समासः प्राग्वदेवेति सूचयन् वाक्यार्थमाह। **यत्रेति। तदेव** चरित्ररूपबंधकमेव। **तदेव**। आत्मसात्कृतं द्रव्यमेव। प्रकृतासंबद्धत्वादाह। **आधीति**। पदार्थः प्रागुक्त एवेति। वाक्यार्थमाह। **क्रयेति**। आदिना दानप्रतिग्रहादि। निमित्ताभावे तथा करणानौचित्यादाह। **व्यवस्थातीति**। विशेषमाह। **तत्रापीति**। तयोर्मध्येऽपीत्यर्थः। **व्यवेति**। तामुल्लंघ्य वर्तत इत्यर्थः। तदेति शेषः। **इतरः**। ग्रहीता ॥ ६१ ॥

याज्ञवल्कीये ६२ श्लोकः।

किंचेति। प्राग्वत्। योग्यतया आह। **धनेति**। अधमर्णस्येति भावः। एतत्तात्पर्यार्थमाह। **न वृद्धीति**। 'अन्यथे' त्यस्य व्याख्या **अमोक्षणे** इति। तावन्मात्रे इष्टापत्तेरातिदेशपरतया लभ्यं तात्पर्यार्थमाह। **चौरेति**।

असतीति च्छेदेन। नाशाविवक्षया द्वितीयार्धार्थमाह। **असन्नीति। पुनः** तु। 'प्रयोजके' इत्यस्य व्याख्या **प्रयोक्तरीति**। ऋणस्येति शेषः। धनदातर्युत्तमर्णे इत्यर्थः। यथाश्रुतार्थे

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१ क—यथाचार्यकरणदोषाख्या। २ स्वीकारांतक्रियेति। ३ व्या. सू. २-१-४॥। ४ ख—वाक्यार्थमाह। ङ— एवं पदस्य शाब्दमर्थं मुक्त्वा ॥ ५ क—ख्यानुपइति। ६ व्या. सू. २-३-१९

बाधादितो लक्ष्यार्थमाह । **तदाप्तोति** । अर्थादाह । **सवृद्धीति** । ' न्यस्ये ' त्यस्य व्याख्या **निधायेति** । अर्थादाह । **अधमर्ण इति** । ' आधिमि ' त्यादेरर्थमाह **स्वीयमिति** ॥ ६२ ॥

उत्तरावतरणमाह । **अथेति** । शंकायां सत्यां शंकांतरमाह । **यदि वेति** । **दित्सा** । तद्दानेच्छा । षष्ठ्यंतस्य पूर्वान्वयः । **तत्र** उभयत्र ।

याज्ञवल्कीये ६३ श्लोकः ।

वक्ष्यमाणवचने वाशब्देनार्थद्वयसूचनाच्छंकाद्वयमत्र फलतो व्याचष्टे । **तस्मिन्निति** । मोक्षणोद्यमकाले इत्यर्थः । षष्ठ्यर्थे बहुव्रीहिः[1] । उभयत्राधिरन्यपदार्थ इति शब्दार्थः[2] स्पष्ट एवेति सूचयन्नाह **यत्तस्येति** । ' तत्रे ' त्यस्य व्याख्या सर्वमिति[3] न्यायेन तत्रैवेति तस्याप्यर्थमाह । **धनिनीति** । अस्यापि तात्पर्यमाह । **न तत इति** । स्थितेरवधिं सूचयन् ' अथ प्रयोक्तेत्याद्यशंकोत्तरं वाशब्दसूचितमाह । **यावद्धनीति** । वाशब्दसूचितं कथयन्नेव ' यदि वेत्यादि ' द्वितीयशंकोत्तरमाह । **यावद्वेति** । विक्रयेच्छात आह । **तन्मूल्येति** । **ऋणी नेति** । अधमर्णस्तदंतिकं न प्रापयतीत्यर्थः ।

उत्तरावतरणमाह । **यदा त्विति** । उत्तरानुरोधेनोत्तमर्णस्यैवेदमित्याह । **ग्रहीतव्यमिति** । त्वयेति शेषः । **विचारितमिति** । अधमर्णेनेति भावः । निहिते चेति पाठः । वेति पाठे सचार्थः–

याज्ञवल्कीये ६३ श्लोकः (उत्तरार्धः) ।

धारणकादिति पाठे बाहुलकात्कर्तृल्युंडतात्स्वार्थे कः । आधिं धारयतीति धारणकस्तस्मात् । यद्वा धरणं करोति णिजंतात् ण्वुल् । धारणिकादिति पाठे, आधेर्धारणं यस्यास्तीति मत्वर्थे ठन्निति केचित् । तदर्थमाह । **अधेति** । मरणनिरासायाह । **अधमर्णेऽसन्नीति** । अपीत्यस्य ससाक्षिकमित्यत्र अन्वयेन तत्समुचितमाह । **तदाप्तैश्चेति** । विक्रीणीतेत्यस्य तात्पर्यार्थमाह । **विक्रीयेति** । यथाश्रुतविकल्पस्य प्रागवद्संभवात् वाशब्दस्यार्थमाह । वा **शब्द इति** । तत्वमेवाह । **यदर्णेति** । **तदा** तस्मिन् काले एवेत्यर्थः । **धनमेव** । तावत् । **ग्रहीति** । त्वयेति शेषः । **अयमिति** । ' विना धारेति ' प्रकृतवचनोक्त इत्यर्थः । तथा च सिंहावलोकनन्यायेन व्यवहितमपि तत् बुद्धिस्थीकृत्य पक्षांतरत्वेनेदमुक्तमित्यर्थः ॥ ६३ ॥

याज्ञवल्कीये ६४ श्लोकः ।

तुसूचितमाह । भोग्याधाविति । **प्रयुक्तं** उत्तमर्णेन केवलं भरणत्वेन[4] दत्तम् । **कृतया** स्वकृतया । क्वचित्तथैव पाठः । **तदा** द्विगुणीभवनकाले । **आधौ कृते** सति । तन्निर्वाहार्थमिति भावः । **कृत** इति शेषपूरणम् । 'तदुत्पन्ने' इत्यस्य व्याख्या । **आधीति** । फलभूते इत्यर्थः । **धनिन इति** । शेषोऽयम् । अधिकरणस्य शेषत्वविवक्षायां षष्ठी । **प्रविष्टे** सति । ऋणत्वेन केवलं प्रयुक्ते धने वृद्ध्या सह द्विगुणे जाते पश्चादाधिर्दत्तो भोगार्थो यदा तदा आधेः सकाशादुत्पन्ने धने द्विगुणे धनिनि प्राप्ते सत्याधिर्मोक्तव्यस्तेनेत्यर्थः ।

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१ क–षष्ठ्यर्थे हुव्रीहिः । २ क–शाब्दार्थः । ३ 'सर्वं वाक्यं सावधारणमिति' न्यायेन । ४ क–र्ऋत्यणत्वेन । ख–ऋणत्वेन ।

अथ उपनिधिप्रकरणम् ४ ।

उपनिधिमिति । तत्संबंधिनमित्यर्थः ।

याज्ञवल्कीये ६५ श्लोकः ।.

उद्देशक्रमादिति[1] भावः । निक्षेपोपनिध्योः स्वल्प एव भेदः इति सूचयन्नाह । **निक्षेपेति** । आदिना संपुटकादिस्थं द्रव्यमिति पाठः । यत् द्रव्यमिति पाठे तदिति शेषः । अनाख्याने कर्माकांक्षत्वादाह । **रूपेति** । तद्रूपविशेषमित्यर्थः । तस्याप्यर्थमाह । **मुद्रितमिति** । अर्पणे फलहेतुमाह । **रक्षेति** । अनेनोपनिधीयत इति निक्षिप्यते इति च व्युत्पत्तिः सूचिता । 'औपे'त्यत्र विनयादित्वात्स्वार्थे ठगिति भावः । **असंख्यातम**गणितम् । **अवीति** रूपतः । अत एवाह **समुद्रमिति** । निक्षेपपदार्थमाह । **निक्षेपमिति** । **गणितं** संख्यातम् ।

तुर्यपादं व्याचष्टे । **प्रतीति** । **अर्पितं** स्थापकेन ।

याज्ञवल्कीये ६६ श्लोकः ।

'तं तु राजदैवकतस्करै'रिति पाठः। स्वार्थे कः। 'दैविकेति' पाठे प्राग्वत् स्वार्थे ठक् । तदाह । **तमिति।** असावित्यस्यार्थमाह । **यस्मिन्नुपहितमिति** । विशेषं कथयन् तात्पर्यार्थमाह । **धनिन एवेति** । तदेति शेषः । **जिह्मेति** । कपटप्रयोजितमपहरणमित्यर्थः । जिह्मस्य प्रयोजकत्वात् णिच् । **ग्रहीतुरिति** । ग्रहीतुरर्थेन धनेन सह य उपनिध्यादिर्नष्टः **स दायिनो** धनस्वामिन एव नष्टो नोपनिध्यादिरक्षकस्येत्यर्थः ।

एतच्च तस्करापहारविषयमित्याशयेनाह । **दैवराजकृते तद्वदिति** । दैवराजभ्यां कृते अपहारे उक्तवदेवेत्यर्थः । 'ग्रहीतुरर्थेन सहेति'नाशस्य सत्यत्वप्रतिपादनपरं[2] न स्वार्थपरमिति सूचयन् त्रितयशेषमाह । **न चेदिति** । **तत्** अपहरणम् ।

(उत्तरार्धः)

अदत्ते इति छेदः । भूतत्वमविवक्षितम् । सति सप्तमीति सूचयन्नाह । **यदि न ददाति तदेति** । सतिसप्तम्या सूचितमाह । **तदुत्तरेति** । क्रियाविशेषणमेतत् । चेदर्थमाह यद्यपीति । स्वेच्छाया: साकांक्षत्वादाह । **तथापीति** । तस्याभावादाह । **मूल्येति** ।

याज्ञवल्कीये ६७ श्लोकः ।

यद्यपि सोदयोपनिधिदानरूपविशेषोऽपि वक्ष्यमाण इति ' अथ भोक्तारं प्रत्याहे'त्येवोचितं तथापि पूर्वं तद्दानस्य मुख्यत्वं दंडस्य गौणत्वमिति पश्चादुपात्तं दंडप्रसंगेन वक्ष्यमाणेन वैपरीत्यं[3] तत्र तथैव पाठादिति तेनैव संगतिर्न तु अनेनेति सूचयन्नाह । **भोक्तारमिति** । उक्तदंडप्रसंगादिति भावः ।

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१ ख—उद्देश्यक्रमादिति । २ क—सत्यप्रतिपादनपरं । ३ क—वक्ष्यमाणे वैपरीत्ये ।

दंडं तत्सहितम् । तदनुज्ञायामपि स्वेच्छायाः सत्वात्तात्पर्यार्थमाह । **स्वाम्यननुज्ञेति ।** प्राग्वदा**होपेति ।** 'आजीवन्निति' 'लक्षणहेत्वो' रिति शतेत्या**हाजीवतीति ।** तदर्थमा**होपेति ।** अत्तीत्यर्थः । यत्र नाश्येऽसंभवस्तत्राह । **व्यवहरति वा प्रयोगादिना लाभार्थमिति ।** एवं च व्यवस्थितविकल्पो बोध्यः । विशेषानुक्तेराद्ये आहो**पेति**[2] । द्वितीये[3] आह । **लाभेति ।** वेति पाठः । **चः**पादपूरणे इत्याह । **तं चेति ।** प्राग्वत् 'सोदय' मित्यस्यार्थद्वयमा**होपेति । दाप्यः** दाप्योऽपि । अपेरत्र संबंधः । नात्र प्रागुक्ता वृद्धिरित्याह । **वृद्धिप्रमाणं चेति ।** चस्त्वर्थे । **वृद्धिशेषं ।** अवशिष्टा वृद्धिः । **क्रयं** क्रीतसंबंधिद्रव्यं । **विक्रयं** विक्रीतरूपद्रव्यं । याच्यमानमिति पाठः । अस्या वृद्धेः सर्वत्र प्राप्तौ विशेष**माहैतच्चेति ।** उक्तवृद्धिप्रमाणं चेत्यर्थः । **उपेक्षेति ।** उपेक्षा च अज्ञानं च ताभ्यां नष्टे त्वित्यर्थः । **तेनैव कात्यायनेनैव । व्यासो**ऽप्येवमानुपूर्वीक एव अनुक्तव्यवस्थां[4] निराचष्टे । **किंचिदिति ।**

६७ श्लोकस्य उत्तरार्धः ।

तत्रादौ याचितादिपदार्थानाह । 'विवाहाद्युत्सवेष्वि' त्यादिना । 'तथैव चेती' त्यंतेन आनीतमिति छेदः । तत्र हेतुमाह । **स्वामिने इति ।** 'ने दृशे[5] ' त्यत्राकारप्रश्लेषः । षष्ठीपक्षेऽप्येवम् । सा प्राग्वत् । **तदिति ।** गृहस्वामीत्यर्थः । **प्रक्षेपो** न्यसनम् । तत्र हेतुमाह । **गृहेति इति ।** हेतौ । **समक्षमिति ।** दर्शनपूर्वकमित्यर्थः । अत एव 'निक्षेपं गणितं विदुरिति' प्रागुक्तनारदैकवाक्यतेति बोध्यम् ।

द्वितीयमाह । **प्रतीति ।** तत् स्वरूपमाह । 'परस्परे'त्यादिना 'न्यस्तस्ये'त्यंतेन । आदिशब्देनोभयग्रहणे मानमाह । **यथाहेति । एष एवेति ।** 'रहोदत्ते निधौ यत्र विसंवादः प्रजायते । विभावकं तत्र दिव्यमुभयोरपि च स्मृतमिति' प्रागुक्तरूप एवेत्यर्थः । **दृष्ट इति** 'द्विष्ट' इति पाठांतरम् । आदिना निक्षेपग्रहणम् । बहुवचनं व्यक्त्यभिप्रायं । **शिल्पिषु ।** तन्न्यासेषु । एवं पदार्थानुक्त्वा वाक्यार्थमाह । **एतेष्विति ।** मूलोक्तेषु इत्यर्थः । 'अयं विधिरि' त्यस्य **व्याख्योपेति ।**

इति निक्षेपप्रकरणम् ।

अथ साक्षिप्रकरणम् ९

अथ साक्षिनिरूपणस्य अव्यवहितसंगत्यभावाद्व्यवहितसंगतिकथनपूर्वकमुपयुक्तं मूलानुक्तमुपोद्घातरूपमाह[6] । 'प्रमाण' मित्यादि 'समुदाहृता' इतीत्यंतेन । **तत्र** तेषां मध्ये । दृशेर्ज्ञानसामान्यार्थत्वेन 'साक्षाद्द्रष्टरीति[7]' सूत्रसिद्धमेवार्थमाह । **साक्षादिति ।** 'समक्षं दर्शनात्साक्ष्यमिति' समक्षमित्यस्य श्रवणेऽपि संबंधः । 'समक्षदर्शेति' पाठे तल्लुप्तविभक्त्यंतं पृथक्पदं । तथा च साक्षाद्दर्शनात्साक्षात् श्रवणाच्च साक्ष्यं सिद्ध्यत्येवेत्यर्थः । 'साक्षादित्य' नेन परंपराव्यावृत्तिः । **नारदो**ऽपि (१–१४७) "संदिग्धेषु तु कार्येषु । द्वयोर्विवदमानयोः । दृष्टश्रुतानुभूतत्वात्साक्षिभ्यो व्यक्तदर्शनामिति" **निरूपितः**प्रतिपादितः । **इतीति[8]** मिलित इति शेषः । **बृहस्पतिना** तु द्वादशविध उक्तः । "लिखितो लेखितो गूढः स्मारितः कुल्यदूतकौ[9] । यादृच्छिकश्चोत्तरश्च कार्यमध्यगतोऽपरः । नृपोऽध्यक्षस्तथा ग्रामः साक्षी द्वादशधा स्मृतः" इति । अर्थिना पत्रे निवेशितो **लिखितः ।** प्रत्यर्थिना अर्थिपरेण यो निवेशितो **लेखितः**[10] । कुड्यादिव्यवधानेन श्रावितो **गूढः ।** पुनः[11] पुनःकार्यस्मार्यमाणः **स्मारितः ।** यदृच्छयैवागतः साक्षी क्रियमाणो **यादृच्छिकः ।** श्रवणा-

१ व्या. सू. ३–२–१२६ ॥ २ क–उपेपेति । ३ क–द्वितीयो । ४ अव्ययवस्थां । ५ 'गृहस्वामिने' ६ क–रूपमाहिमाह ७ व्या. सू. ५–२–२२ ॥ ८ पृ. ४३ पं. २६ इत्येकादशविधः । ९ क–कार्यो । १० क–पत्रे निवेशितो । लेखितः । ११ क–पुनः कार्ये– ।

च्छ्रावणाद्वा साक्षिणामुपर्युपरि भाषमाणः **उत्तरः । अध्यक्षः** प्राड्विवाकादिः । अन्यत्स्पष्टम् । अत्र मूलमनुपदमेव स्फुटीभविष्यति । अत्र लोकतोऽधिकः । **चभेदः** भेदश्च । **तेनैव । नारदेनैव । यदृच्छाभिज्ञ इति ।** परेच्छया स्वेच्छया अभिज्ञः । मिश्रितमाप्त इति यावत् । ' यदृच्छयाभिज्ञ ' इति पाठान्तरं । तत्र यदृच्छया तत्पूर्वकप्राप्त्या अभिज्ञायते स्मार्यते स इत्यर्थः । ' अतश्चेति ' कर्मण्यद्र्। अत एव 'यदृच्छास्मारितः कुल्यास्तथा चोत्तरसाक्षिणः' इति **बृहस्पतिः । '**विधः कृत' इतीति पाठः । **चं स्वेति ।** स्वरूपं त्वित्यर्थः । **संनीति ।** 'वर्तमानसामीप्ये' इति भूते लट् । संनिवेशित इत्यर्थः । **पत्रकात्** पत्रसंनिवेशात् । पौनरुक्त्यं परिहरति । **स्मारित इति । तेनैव । कात्यायनेनैव** । एवमग्रेऽपि । ' पुनः पुनः कार्यं दृष्ट्वा कार्यप्रसिद्ध्यर्थं यः स्मार्यते इत्यन्वयः । स्मारित इति पाठे'मतिबुद्धीति'वर्तमाने क्तः । **इह** व्यवहारे । आगतः सन्निहितविशेषः । **अनयोः** स्मारितयदृच्छाभिज्ञयोः । **भेद इति ।** मिथ इत्यादिः । **द्वाविति ।** तथा च तदैक्येऽपि आकारणानाकारणकृतो भेद इति भावः । चतुर्थमाह । स एवेत्याह । **तथेति ।** एवमग्रेऽपि । **अर्थिनेति ।** अर्थिना साध्यवता स्वार्थसिद्ध्यर्थं प्रत्यर्थिनो वचनं स्फुटं यथा भवति तथा । **गूढस्थितः ।** कुड्यादिव्यवहितः प्रत्यर्थिनाऽविज्ञातः सन् स्थितो यः पुमान् श्राव्यते स गूढसाक्षीत्युच्यत इत्यर्थः । **तथा साक्षिणामपीति ।** साक्षिणामपि उपरि ऊर्ध्वं यः पुमान् श्रवणात् श्रावणाद्वा साक्ष्यं उपरि उत्तोनं उत्कृष्टं भाषते इत्याद्यर्थः । अत एव षष्ठीसंगतिरन्यथा द्वितीयापत्तिः स्फुटैव ।

एवमाद्यभेदं सस्वरूपमुक्त्वा द्वितीयभेदमात्रं स्वरूपस्य स्फुटत्वादाह । **षड्विधेति ।** अकृतस्यापीत्यर्थः । चतुर्थमाह । **व्यवेति ।** व्यवहारिणां कार्येष्वधिकृतो यः स्यादित्यर्थः । पंचमं दूताख्यमाह । **अर्थिनेति ।** अर्थिप्रेरणया प्रत्यर्थिना संनिवेशितः । कुल्या इत्यस्य विषयविशेषमाह । **कुलेति । तेऽपीति ।** प्रागुक्ताः सर्वेऽपीत्यर्थः । यद्यपि सभ्यस्य पूर्वनिपात उभयथोचितस्तथापि **कात्यायनो**क्तक्रमविवक्षयाऽह । **लेखकेति ।** तयोरपीत्यर्थः । अत्र हेतुं **कात्यायन**मेवाह । **लेखक इति । समुदाहृता इतीति ।** सहपाठादिति शेषः । राजनि तत् कार्यं पश्यति सति ते लेखकादयोऽनुपूर्वशः स्वार्थपरक्रमेण पूर्वाभावे परः पर पत्र साक्षिण इत्यर्थः ।

एवमुपोद्घातमुक्त्वा मूलवचनमवतारयति । **ते साक्षिण इति । कीदृशा इति** स्वरूपप्रश्नः । **कियन्त इति** संख्याप्रश्नः ॥

याज्ञवल्कीये ६८।६९ श्लोकौ ।

धर्मप्रेति । पुरुषार्थाणां त्रयाणां मध्ये इति भावः । **व्यासोऽपि**–

" धर्मज्ञाः पुत्रिणो मौलाः कुलीनाः सत्यवादिनः । श्रौतस्मार्तक्रियायुक्ता विगतद्वेषमत्सराः ॥

"श्रोत्रिया न पराधीनाः सूरयश्चाप्रवासिनः । युवानः साक्षिणः कार्या ऋणादिषु विजानतेति" ॥

अत्र नेति पूर्वोत्तरान्वयि अतो । न वक्ष्यमाणविरोध इति बोध्यम् ।

पक्षान्तरमाह । **पुत्रेति ।** अत्र **त्र्यवरा इति** संख्याप्रश्नोत्तरम् । अन्यत्सर्वं अन्यस्य । नित्ययोगे विनित्याह । **तपःशीला इति ।** शीलपदार्थमाह । **निरता इति ।** 'कुलांतेव' इति सिद्धविशिष्टतात्पर्यार्थमाह । **महेति ।** 'ताच्छील्ये णिनि'[11] रित्याह । **शीला** इति । मोक्षसंग्रहाय व्यतिरेकमाह । **न त्विति ।** नार्थेति पाठान्तरं । 'वर्तमानसत्तायां'[12] मतुबुत्पत्तेराह । **विद्येति ।** विशिष्टसामर्थ्यलभ्यमाह । **बह्वीति ।**

१ व्या. सू. ३–३–१०६ ॥ २ च–स्वरूपमिति पृ० ४३ पं० २९ ॥ ३ व्या. सू. ३–३–१३१ ॥ ४ व्या. सू. ३–२–१८८ ॥ ५ ख–भेदस्वरूपं । ६ ' अल्पाच्तरत्वात् ' ' अभ्यर्हितत्वा ' च्च । ७ क–तत्कार्या पश्यति सति । ८ कख–स्वार्थे शिसक्रमेण । ९ ख सर्वेइति । १० व्या. सू. ४–१–१३९ ॥ ११ " सुप्यजातौ णिनिस्ताच्छील्ये " व्या. सू. ३।२।७८ । १२ ' तदस्यास्त्यस्मिन्निति मतुप् ' व्या. सू. ५।२।९४

कामस्याकरणे प्रत्यवायाभावात्तद्भावायाह । **नित्येति** । एवं पदार्थानुक्त्वावाक्यार्थमाहैवं**भूता इति** । शाब्दमुक्त्वा तात्पर्यार्थमाह । **त्रिभ्य इति** । यथावर्णमित्यनेनापौनरुक्त्याऽऽह । **मूर्द्धेति** । तत्तात्पर्यार्थमाह । **तत्रेति** । तेषां मध्ये इत्यर्थः । एवमग्रेऽपि । इदमग्रेऽपि अतिदिशति । **एवमंबष्ठादिष्वपीति** । न्यूनतां निराचष्टे । **तथेति** । **मनुरिति** । "द्विजसत्तमाः । शूद्राश्च सन्तः शूद्राणामंत्यानामंत्ययोनयः" इति वचःशेषः । **कात्यायनो**ऽप्येवं । **नारदो**ऽपि । "श्रेणिषु श्रेणिपुरुषाः स्वेषु वर्गेषु वर्गिणः । बहिर्वासिषु बाह्याः स्युः स्त्रियः स्त्रीषु च साक्षिण इतिः" । (अ. १ श्लो. १५५) । वर्गिण आह **कात्यायनः** । "लिंगिनः श्रेणिपूगाश्च वणिग्जातास्तथाऽपरे । समूहस्थाश्च ये चान्ये वर्गास्तानब्रवीत् **भृगुः** । दासचारणमल्लानां हस्त्यश्वरथवाजिनाम् । प्रत्येकैकसमूहानां नायका वर्गिणः स्मृताः " इति । सर्वे इति पक्षांतरं व्याचष्टे । **सजातीति** । सजातिसवर्णयोरसंभवे इत्यर्थः । तयोः प्रक्रांतत्वात् । सर्वेषां युगपदसंभवादाह । **यथासंभवमिति** । **मनु**रपि "यादृशा अर्थिभिः कार्या व्यवहारेषु साक्षिणः । तादृशान्संप्रवक्ष्यामि यथा वाच्यमृतं च तैः ॥ गृहिणः पुत्रिणो मौलाः क्षत्रविट्शूद्रयोनयः । अर्थ्युक्ताः[1] साक्ष्यमर्हंति न ये केचिदनापदि ॥ आप्ताः सर्वेषु वर्णेषु कार्याः कार्येषु साक्षिणः । सर्वधर्मविदो लुब्धा विपरितांस्तु वर्जयेदिति " ॥ (अ. ८ श्लो. ६१–६२–६३). ऋतं सत्यम् । ' मौलाः प्रसिद्धकुलोद्भवाः ' । इति **कल्पतरुः** ।

अथ मूलमवतारयितुं प्रागवत्तदुपोद्घाततयोद्भूथेनासाक्षिस्वरूपमाह । **उक्तलक्षणेत्यादिना** । '**साक्षी न भवती**' त्यंतेन । वक्तव्यत्वे[2] हेतुमाह । **प्रतिषेधेति** । ' प्रतिषिद्धेति[3] ' पाठे भावे क्तः । **अपिः** कृतसाक्षिसमुच्चायकः । पंचम्यंतत्रयेऽसाक्षिण इति शेषः । अग्रे उभयत्रासाक्षीति शेषः । वचनादसाक्षिणां स्वरूपं **नारदे**नैवोक्तमित्याह । **के पुनरिति** । **श्रोत्रिया इति** । अत्र विरोधः परिहृतः । यद्यपि तापसा इति तपस्विन इत्यनेन तुल्यार्थः[4] तथापि तद्विरोधायैवाह । **वानेति** । अत्रादिशब्दग्राह्यं सूचयन्नुभयत्र मानमाह । **यथाह शंख इति** । गुरुकुलेत्यनेनोभयोरापि ग्रहणं । **निर्ग्रंथा इति** । पाषंडिन इत्यर्थः । **दर्शिता इति** । **नारदे**नैवेति शेषः । **साहेति** । अविचारितकारिण इत्यर्थः । **वंचकाः** प्रतारकाः । दोषमेवाह । **तेष्विति** । **तेनैव नारदेनैव** । एकेन चेन मिथः समुच्चयः । अन्येनान्येषाम् । **वादिनामिति** । भाषमाणानाम् । **तेषा**मनेकेषां मध्ये इत्यर्थः । ' वादिनेति ' पाठस्तु युक्त एव । तुर्योऽपि **नारदे**नैवोक्त इत्याह । **तथेति** । **अनिर्दिष्टः** साक्षित्वे इति शेषः । **सूची** सूचकः "अनिर्दिष्टस्तु साक्षित्वे स्वयमेवैत्य यो वदेत् । स्वयमुक्तः सशास्त्रेषु नच साक्षित्वमर्हतीति " पाठांतरं । अनेन स्वयमेवोक्तिर्यस्येति योगार्थोऽपि दर्शितः । **उक्तमिति** । **नारदे**नैवेति भावः । **योऽर्थ इति** । योऽर्थः श्रावयितव्यः तस्मिन्नसति । मध्यमणिन्यायेनान्वयादर्थिनि वादिनि प्रेते वाऽसति वा तदङ्गीकृतं साक्षित्वं क्व कस्मिन्विषये साक्षी वदतु इति हेतोः सः असाक्षी मृतांतर इति शब्दार्थः । तत्फलितं शेषपूरणेनाह । **येनेति** । अर्थिनीत्यस्य प्रागुक्तव्युत्पत्त्या साध्यवतीत्यर्थकत्वेनोभयपरत्वादाह । **प्रत्यर्थिना वेति** । अत एव **कात्यायनः** । 'अर्थी यत्र विषण्णः स्यात्तत्र साक्षी **मृतांतरः** । प्रत्यर्थी वा मृतो यत्र तत्राप्येवं प्रकल्पयेदिति' । तदाकारमाह । **यूयं इति** । **श्राविताद्दते** । तत्साध्यादिविशेषपरिज्ञानस्य तेषामसंभवादिति भावः । तच्छब्देनात्र त्रयाणां परामर्श इत्याह । **अर्थिनीत्यादि** । 'असती'त्यस्य व्याख्या **मृतेति** । अस्य अग्रेऽप्यन्वयः । वासूचितं पक्षांतरमाह । **अर्थे वाऽनिवेदिते** । निवेदितेऽर्थेऽसति मृते वेत्यर्थः । असाक्षित्वे हेतुं सूचयन्नाह । **क्वेति** । अस्योक्तपक्षभेदेनार्थद्वयं मूलानुरो-

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१ क–इत्युक्ताः । २ ख–व्यक्तत्वे । ३ ख–प्रतिषिध्येति । ४ क–ङ–तुल्यार्थं ।

धेन व्याख्याव्युत्क्रमेणाह । **कस्मिन्निति** । साक्षिमित्यस्य तदित्यादिस्तस्य चांगीकृतमित्यर्थः । इति हेतोः । अनेन मृत उक्तान्यतमः अंतरे साक्ष्यस्य स्वीकारभाषणयोमर्ध्ये यस्य स मृतांतर इति व्युत्पत्तिः सूचिता ।

एवमसाक्षिस्वरूपं प्रतिपादितम् । अनेन मृतांतरस्य सर्वत्रासाक्षित्वे प्राप्ते प्रतिप्रसवमाह । **यत्र त्वित्यादिना दिष्वितो** त्यंतेन । **अस्मिन्निति** । इदं द्रव्यमियदेतया वृद्धया अस्मिन् काले देवदत्ताय दत्तमित्यत्रार्थे इत्यर्थः । अन्यथा तेषां साध्यादिविवेकासंभवादिष्टसिद्धिर्न स्यादिति भावः । तत्रादावाद्ये मानमाह । **यथाहेति** । मुमूर्षुश्रावितं विनाऽर्थिनि प्रेते सति साक्षी मृतांतर इति कथ्यत इत्यर्थः । मुमूर्षुणा श्रावितश्चेन्मृतांतरोऽपि साक्षी भवतीति भावः । द्वितीयेऽपि स एव मानमित्याह । **तथेति** । **अनातुरेण** स्वस्थेन । **अपि**र्मुमूर्षुसमुच्चायकः । **धर्मसंज्ञित** धर्माख्य इत्यर्थः । तत्स्वरूप इति यावत् । धर्मज्ञानविषयो वा । 'धर्मसंहित' इति पाठांतरं । धर्मयुक्त इत्यर्थः । तदा । **तत्रेति** । तस्मिन्दैवान्मृतेऽपि । तत्रार्थे मृतांतरोऽपि एतेषु षट्सु साक्षी स्यादित्यर्थः ॥ ६८ ॥ ६९ ॥

एवमुपोद्घात मुक्त्वा सांप्रतं मूलमवतारयाति । **तानेतानिति** ।

याज्ञवल्कीये ७०।७१ श्लोकौ ।

वक्तव्या**न्नारदोक्ता**नित्यर्थः । पापंड्यादिद्वंद्वं कृत्वा पुना रंगावतारिणा सह, एवमाप्तादिद्वंद्वं कृत्वा पुनः पतितेन सहेतीति बोध्यं । **अप्राप्तेति** । व्याख्यातमिदम् । **अशीतिकेति** । अशीतिः परिमाणमस्य स अवरो यस्येति विग्रहः । ततोऽर्वाक् न भवति । तदारभ्य भवतीत्यर्थः । वैषम्ये बीजाभावात्तदेकवाक्यतया च न्यूनतां निराचष्टे । **वृद्धेति** । **आदिना** भक्षणग्रहणम् । **अभियुक्त इति** । तत् संबंधारोपमात्रं यस्येत्यर्थः । **आदिना** भोगादिग्रहणं । व्यवहारे श्रुतेः प्राधान्यादाह । **श्रोत्रदीति** । योगनिरासायाह । **सुहृदिति** । यत्किंचिदर्थसंबंधित्वस्य सर्वत्र सत्वादाह । **विप्रतीति** । **एकेति** । बहुव्रीहिः । पुत्रादिरित्यर्थः । **कारीति** । तेन करोति न तु विचारेण । अविचारितकारीत्यर्थः । दोषाणां बाहुल्येऽपि अत्र प्राधान्यादाह । **वितथेति** । **बंधुभिरिति** । 'ग्रामराजकुलश्रेण्यादिभिर्निस्सारित' इति **कल्पतरुः** । नारदैकवाक्यत्वायाह । **आद्येति** । एवं पदार्थानुक्त्वा वाक्यार्थमाह । **एते इति** ॥ ७० ॥ ७१ ॥

याज्ञवल्कीये ७२ श्लोकः ।

श्रौतस्मार्तेत्येकवाक्यतया आह । **ज्ञानेति** । तथा च **विदे**र्ज्ञानपूर्वकतदनुष्ठाने लक्षणेति भावः । अत एवोक्तम् । 'पठकाः पाठकाश्चैव ये चान्ये शास्त्रचिंतकाः । सर्वे व्यसनिनो मूर्खा यः क्रियावान् स पंडितः' इति । **उभयेति** । अर्थिप्रत्यर्थीत्यर्थः । **द्वावपीति** । तादृशौ चेमौ साक्षिणौ भवतः इत्यर्थः ।

ननु एवं धर्मवित्त्वं सर्वत्र तुल्यं । तथा च तत्र त्र्यवरपदमनर्थकं व्यावर्त्याभावादपिना तेषामपि संग्रहादित्याशंकते । **यद्यपीति** । **इतीति** । इत्युक्तेत्यर्थः । धर्मवित्त्वप्रयुक्तवैलक्षण्याभावेऽप्युभयानुमतत्वप्रयुक्तं वैलक्षण्यमित्याशयेन समाधत्ते । **तथापीति** । **द्वयोर्वा** । द्वयोर्वा तु । **अर्थव**त्सफलम् । प्रत्यासत्तेः 'स्त्रीबाले' त्यस्यैवोपस्थितेराह । तपस्वीति । **इत्यस्येति** । इत्यस्यापीत्यर्थः । क्वचित्तथैव पाठः । अपिना स्त्रीबालेत्यादिनिषिद्धसंग्रहः । अत एव व्याख्यानविरोधो नेति बोध्यम् ।

याज्ञवल्कीये ७२ श्लोकस्य उत्तरार्धम् ।

चौर्येत्यादिसमाहारद्वंद्वः । **संग्रहणादीनि** चत्वारि । सर्वशब्दस्य बुद्धिस्थबहुसंख्याकावयवारब्धसमुदाये शक्त्या तस्यानुद्भूतावयवभेदत्वेन यद्यपि सर्वलोक इतिवदेकवचनं तथापि स्पष्टार्थं उद्भू-

१ " स्वबलावष्टम्भकारी पु-४५ पं. २८। २ क-अपि न ।

तावयवपरतया व्याचष्टे । **सर्वे इति** । तदर्थमेव व्युत्क्रमेणाह । **वचनेति** । मौलस्त्रीबालेत्यादिवचनेत्यर्थः ।

नन्वेवमतिप्रसंगोऽत आह । **दोषादिति** । एते त्रय इत्यर्थः । **अत्रापि** । स्त्रीसंग्रहणादिष्वपि ।

ननु पूर्वं तेषामसाक्षित्वे उक्तेऽपि अस्य तदपवादत्वेन अत्रैवं[1] तेषां साक्षित्वं स्यादेव वाऽत आह । **सत्याभावादिति** । एवंच येन हेतुना तत्रासाक्षित्वं तस्य अत्रापि सत्वं तुल्यमिति तदनपगमेन तेषामत्रापि अतत्वमेवेति भावः । एवं च ' स्वयमुक्तिश्चेति ' । चेनान्येषामपीदृशानां ग्रहणम् । तदाह[2] **नारदः** । " असाक्षिणो ये निर्दिष्टा दासनैकृतिकादयः । कार्यगौरवमासाद्य भवेयुस्तेऽपि साक्षिणः ॥ तेषामपि न बालः स्यान्नैको न स्त्री न कूटकृत् । न बांधवो न चारातिर्ब्रूयुस्ते साक्ष्यमन्यथेति" [अ० १ श्लो. १८८।१९०] **नैकृतिको** विंबकः । **व्यासो**ऽप्याह–"साक्षिदोषाः प्रवक्तव्याः संसदि प्रतिवादिना । पत्रेभिलिख्य तान् सर्वान् वाच्याः प्रत्युत्तरं तु ते ॥ प्रतिपत्तौ नसाक्षित्वमर्हंति तु कदाचन । अतोऽन्यथाभावनीयाः क्रियया प्रतिवादिना ॥ अभावयन् दमं दाप्यः प्रत्यर्थी साक्षिणां स्फुटम् । भाविताः साक्षिणो वर्ज्याः साक्षिधर्मनिराकृताः ॥ जितः सविनयं दाप्यः शास्त्रदृष्टेन कर्मणा । यदि वादी निराकांक्षः साक्षिसत्येष्ववस्थितः " । इति । पत्रे लिखितान्साक्षिदोषानभिलक्षीकृत्य प्रत्युत्तरमुत्तरं तत्तद्विषयपरिहारं ते साक्षिणः सभ्यैर्वाचनीया इत्यर्थः । ' पत्रे तान् सर्वानभिलिख्य उत्तरमुत्तरं ते दोषा वाच्या ' इति **कल्पतरुः** । **अतो**ऽन्यथा असंप्रतिपत्तौ भावनीयाः अंगीकारयितव्याः । क्रियया प्रमाणेन स्फुटं यथास्यात्तथा भावयन्नित्यन्वयः ।

ननु संग्रहणादित्रयाणामपि साहसशब्दवाच्यत्वाभेदेनोक्तिः मूले युक्ता इत्याशंकते । **मनुष्येति** । **उभयं** । वाक्पारुष्यं दण्डपारुष्यं च । पारुष्येणैक्यादाह । **चतुरिति** । उक्तक्रमविवक्षया आह । **स्त्रीसमिति** । समाधत्ते । **तथापीति** । जनसमक्षं स्वबलावष्टंभेन यत्करणं तेन उपाधिना[3] क्रोडीकृतानामेषां साहसपदवाच्यत्वम् । एकान्ते यत्करणं तद्रूपोपाधेः एकत्वेऽपि विषयभेदेन भिन्नत्वात् तद्विषयभेदघटितरहःकरणोपायभेदात्संग्रहणादिशब्दवाच्यत्वमिति भावः । **तेषां** त्रयाणां । **सात्पृ**थगिति । साहसात्प्रागुपेति पाठांतरं । **तत्र** ततोऽग्रे उपादाने सामान्यविशेषभावेनान्वयसंभवेन त्रयाणामेव ग्रहणं[4] स्यादिति तथेति भावः ॥ ७२ ॥

याज्ञवल्कीये ७३ श्लोकस्य पूर्वार्धः ।

श्रवणम्[5] । तद्विधिसाम्ययोरत्र विवक्षितम् । न तु तद्गमनमित्याह । **संनिधाविति** । विशेषमाह । **समवेतानिति** । मिलितानित्यर्थः । अत्र मानमाह । **नासमेति** । पृष्टा अपि असमवेता नेत्याद्यर्थः । कर्माकांक्षायामाह । **वक्ष्येति** । मूलकृतेति भावः । **तत्रापि** श्रावणेऽपि । **सभांतः** सभामध्ये । **अनुयुंजीत** पृच्छेत । नियुञ्जीतेति पाठान्तरं । तत्र मेलयेदित्यर्थः । विधिमेवाह । **देवेति** । **समस्तान्** मिलितान् । पृथक् पृथक् विज्ञातार्थानित्यर्थः। तत्रापि विशेषमाह । **ब्राह्मेति** । शूद्रे तु न नियम इत्याह । **शूद्रमिति** । अत एव तु ' ब्राह्मणमि ' त्यस्य ' शापये ' दित्यत्रान्वयस्तस्य चाग्रे उभयत्रानुषंगः । ' अन्यथाब्रुवत ' इत्यस्य संपुटीकरणेन मध्येऽप्युभयत्र संबंधो ध्वनितः । तत्रापि विशेषमाह । **अत्र चेति** । ' सत्येन शापयेदि ' त्यत्रार्थे चेत्यर्थः । संबंधिनः अधिकरणत्वविवक्षया सप्तमी । **तेनैव** मनुनैव । **कारुः शिल्पीति** । युक्तितौल्यादाह । **विप्रेति** । तयोरपीत्यर्थः । एतच्च साक्षिसंत्रासा-

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१ क–अत्रैतेषां २ ख–तथाच । ३ ख–उपाधिं विना । ४ ख–संग्रहः ५ ङ–श्रावणे तद्वीधि सामीप्यमात्रं ।

र्थमेव । यथाह **नारदः** (१।२००) “ पौराणैर्धर्मवचनैः सत्यमाहात्म्यकीर्तनैः । अनृतस्यापवादैश्च भृशमुत्त्रासयेदिममिति ” । ‘ सत्येन त्रासयेद्विप्रमि ’ त्यपकृष्टब्राह्मणविषयं न ब्राह्मणमात्रविषयं ‘ तस्य **गौतमेन** शपथस्य निषिद्धत्वादिति ’ **कल्पतरुः** । ननु प्रतिवादिना साक्षिदोषे उक्ते तन्निर्णये साक्ष्यंतरापेक्षायां अनवस्था स्यात् । तदुक्तं **व्यासेन**–‘अन्यैस्तु साक्षिभिः साध्ये दूषणे पूर्वसाक्षिणाम् । अनवस्था भवेद्दोषस्तेषामप्यन्यसंभवादिति’ । अतो विशेषमाह । **प्रतीति । दत्ते** सति । दिषु सत्सु । चाल्यादिषु । चापल्यादिष्वित्यपाठः । **तथैव** प्रत्यक्षेणैव । **अयोग्येषु ।** दूषणेषु सत्सु । **तद्वचनात् ।** साक्षिवचनात् । तदुक्तं **व्यासेनैव**–‘ सभासदां प्रसिद्धं यल्लोकसिद्धमथाऽपि वा । साक्षिणां दूषणं ग्राह्यमसाध्यं दोषवर्जनादिति ’ । असाध्यं साधनानर्हम् । दोषवर्जनात् । अनवस्थादिरहितत्वात् ।

विशेषांतरमाह । **यदीति ।** सारो बलम् । साक्षिभिन्नः साक्षिणां दूषणं स्फुटं यथा तथा साधयन् इत्याद्यन्वयः । **भाविते** साधिते सति । **साक्षिधर्मोति ।** साक्षित्वानर्हा इत्यर्थः । विशेषांतरमाह । **उद्दिष्टेष्विति ।** कथितेष्वित्यर्थः । **दुष्टेषु** सत्सु । **क्रियांतरेति ।** प्रमाणांतरे इत्यर्थः । **व्यासं** मानमाह । **जित इति ।** यदि वादी साक्षिसभ्यविषये निरोकांक्षो व्यवस्थितः संपन्नस्तदा जितः पराजितः सन् स वादी शास्त्रोक्तविधिना विनयं दमं दाप्य इत्यर्थः । ‘साक्षिसभ्येष्वि’त्यत्र ‘साक्षिसत्येष्वेति’ पाठांतरं । अर्थस्तद्वत् सूचितार्थमाह । **साकांक्ष इति ।**

याज्ञवल्कीये ७३ (उत्तरार्धः) । ७४।७५ श्लोकौ ।

वक्ष्यमाणमित्युक्तमेव वक्तुमाह । **कथमिति ।** वाक्यमिति शेषः । **इत्याह ।** इत्यत आह । क्वचित्तु तथैव पाठः । सर्वानिति स्पष्टार्थः । स तानित्येकवचनबहुवचनाभ्यामेव तदर्थलाभात् । एवं सामान्येनोक्तं । विशेष्याह । **सुकृतमिति ।** मूले पातकशब्देन वक्ष्यमाणभिन्नानां ग्रहणमित्याह । **पातकोपेति ।** अत्राप्यनेन वक्ष्यमाणाभिन्नसर्वग्रहणमिति बोध्यं । स इत्यस्यार्थोऽ**साविति । इति**वाक्यार्थसमाप्तौ । अत एवाह । **तथेति ।** किंचेत्यर्थः । ‘ वदति तथेति ’ पाठे वदति किंच भवतीत्यर्थः । **सुकृतं** पुण्यम् । **तस्य** तदीयम् । तदर्थमाह । **यस्ते इति ।** तवानृतवाक्येनेत्यर्थः । ‘तवेत्येव’ पाठांतरम् । अस्य तत्र कर्मत्वमित्याह । **इति श्रावेति । मन्व**विरोधायाह । **एतच्चेति ।** तमेवाह । **शूद्रमिति ।** तदेकवाक्यतयैवाह । **गोरक्षेति ।**

ननु स्वल्पतरानृतवदनरूपदोषात्तादृशपापोत्पत्तावपि कथमतिबहुलमीदृशं फलमत आह । **अन्यानेकेति ।** स्वयं अनेकजन्मभिरर्जितं यत्सुकृतं तस्यान्यत्र संक्रमणस्येत्यर्थः । कृतशब्दोऽर्जितपरः, शतशब्दोऽनेकपर इति भावः । **उच्यते इति ।** इदमित्यादिः । तथा चार्थवादोऽयमिति भावः । अत एवाह । **यथेति । धर्मेति ।** स्मृतीत्यर्थः । सत्यसंबंधिमाहात्म्यस्य कीर्तनैरित्यग्रिमार्थः । **भृशमिति ।** तथा चानृतवदनाभावे तात्पर्यम् ।

याज्ञवल्कीये ७६ श्लोकः ।

कथंचित् कारणेन । **सः** नरः । सर्वमित्यस्य योग्यतादिना पूर्वार्द्धेऽन्वय इत्याह । **सर्वमिति ।** तदर्थमाह । **सवृद्धिमिति ।** योग्यत्वादेवाह । **धनिने इति ।** यद्यपि ‘ सदशेति ’ ऋणविशेषणं तथापि धन्ययोग्यमिति तद्वाक्यात्पृथक् व्याचष्टे । **सदशेति ।** दशबंधकेन सहितं । तथा दशशब्दो दशमपरः, बंधशब्दोंऽशपरः । स्वार्थे क इत्याह । **दशमांशकेति ।** उक्तहेतोरेवाह । **दशमांश इति ।** चस्त्वर्थे ।

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१ ख–स्वसाक्षिभिः । २ क–अध्यवस्थितः । ३ ख–अर्थस्तदधस्तात्सूचितार्थः । ४ ख–सर्वस्वहरणमिति । ५ ङ–स्वत्र ।

ननु अयमपि वचनाद्धनिन एवास्तां किमित्येवं व्याख्यानं वैरूप्यापादकमत आह । **राज्ञेति ।** तन्न्यायेनेत्यर्थः । तथा च तदेकवाक्यता तल्लाघवमूलकमेव व्याख्यानमुचितमिति भावः । अस्य कालनियममाह**तच्चेति । मन्वनुरोधेनैवाह । प्राप्ते वेति ।** एतत्तात्पर्यमाह । **ततोऽर्वागिति ।** पक्षत्रयमध्ये इत्यर्थः । अतएव **हिः** प्रयुक्तः । स हि तत्रावदनस्य तद्धेतुत्वं प्रतिपादयति । विशेषमाह । **इदं चेति ।** इदमपीत्यर्थः । आदिना राजदैवग्रहणं । **त्रिपक्षादिति ।** त्रयः पक्षा यस्मिन्निति बहुव्रीहिः। ल्यब्लोपे इति कर्मणि पंचमी । ऋणादिविषये सार्द्धमासमभिव्याप्य साक्ष्यमब्रुवन्नगदोऽपीडितशरीरो नरस्तद्दृणं सर्वं सवृद्धिकं प्राप्नुयात् दद्यात् । **दशबंधं च ।** दशमं भागं च । **सर्वशः** सर्वस्मै । राज्ञे दद्यादित्यर्थः । सर्वत इति पाठांतरम् । संख्यावाचिन परो बंधशब्दो दंडविशेषांशमात्रवचनः । नरग्रहणं सर्वतोग्रहणं श्लोकपूरणार्थमिति **मेधातिथिः ।** युक्तिसाम्यादाह । **अगद इति ।** विरहस्यापीत्यर्थः ।

याज्ञवल्कीये ७७ श्लोकः ।

जानन्निति । 'विप्रतिपद्यमानमर्थमि' त्यादिः । **करोतीति । एवो** व्युत्क्रमे । नांगीकरोत्येवेत्यर्थः । ह्यर्थमाह । **पुनरिति ।** त्वर्थे । **नरेति ।** अस्यैवार्थो दौरात्म्यादित्यनेनोक्तः । साकांक्षत्वादाह । **विप्रेति ।** विवादास्पदमित्यर्थः । द्वितीयह्यर्थमाह । **विशेषत इति ।** लक्ष्यार्थमाह । **नांगीति । तुल्य इति ।** तुल्य एवेत्यर्थः । एवस्यात्रान्वयात् तत्प्रयोजकधर्मावाह । **पापैरिति ।**

ननु को दंडस्तेषामत आह । **कूटेति च दंड** च तेन कूटसाक्षिपरिग्रहः । अत एव विशेषमाह । **कूटेति ।** इदमकृतव्यवहारविषयं अत एवाह । **कृतोऽपीति** व्यवहार इत्यस्यानुषंगः । पूर्वं तेषु तत्त्वज्ञानात् । अत एवाह **कूटेति ।** कौटेति पाठान्तरम् । तत्र समस्तात्त्वभावप्रत्ययः । आद्येन दंडेन समासः । एवमग्रेऽपि । अकृतविषये उक्त्वा कृतविषये आह । **कृतं चापीति** ॥ ७७ ॥

याज्ञवल्कीये ७८ श्लोकः ।

साक्षीति । नन्वित्यादि योग्यतया साकांक्षत्वादाह । **साक्षिणामिति ।** 'वचनं ग्राह्यमि' त्यस्य सर्वत्र संबंधादाह **वचनमिति ।** उत्तरार्द्धोपात्तस्य पूर्वार्धेऽपि संबंधादाह । **ग्राह्यमिति ।** समत्वं संख्याकृतमेवेत्याह । **संख्येष्वेति ।** अनुषंगेणाह । **द्वैधे इति ।** तन्निष्ठद्वैधे इत्यर्थः । त्वर्थमाह । **पुनरिति ।** प्रकर्षमाह । **श्रुतीते ।** शेषमाह । **तेषामिति ।** विशेषमाह । **यत्र त्विति । इति** इत्यनेन **त्वात्** । तत्वप्रतिपादनात् ।

ननु प्राक्भेदादसाक्षिण इत्युक्तं, इदानीं तु भेदेऽपि साक्षिण इत्युच्यते ' द्वैधे इत्यनेनेति ' मिथो विरोधोऽत आह । **यस्त्विति । तत्सर्वेति ।** यत्र संख्यागुणादिभिः सर्वैः साम्यं तत्र विशेषाभावाद्भेदादसाक्षित्वम् । यत्र तु संख्यागुणादिभिर्वैषम्यं तत्र भेदेऽप्यनेन प्रकारेण साक्षित्वं भवत्येवेति भावः ॥ ७८ ॥

याज्ञवल्कीये ७९ श्लोकः ।

साक्षिभिरिति । साक्षिभिरुक्तेऽपि स कथमित्याद्यन्वयः । तद्वचनस्यातादृशस्यापि संभवात् । अत एव वक्ष्यति । ' यत्र त्वित्यादीति ' भावः । कथमित्यस्य पुनरुक्तिः स्पष्टार्था । अग्रिमस्य भिन्नपदस्य पूर्वत्रापि संबंध इत्याह । यस्येत्यस्य साक्षित्वं भवत्येवेति भावः । यस्येत्यस्य

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१ क–तन्न्यायेनेत्यर्थः । २ मुख्यत्वात् । मि० पृ. ४८ पं. १२ ॥ ३ ख–विशेषाभावादेः ।

व्याख्या **वादिन इति**। अस्य न साक्षिण इत्यत्रान्वय इत्याह। **प्रतिज्ञामिति**। सा च पत्रारूढा न केवलेत्याह। **द्रव्येति**। लिङ्गर्थो न विवक्षित इत्याह। **वदंतीति**। तदाकारमाह **सत्यमेवेति**। एवेनासत्यत्वव्यवच्छेदः। **स इति**। तदिष्टसिद्धेरिति भावः। उत्तरार्धार्थमाह। **यस्येति**। **पुन**स्त्वर्थे वैलक्षण्याय शेषपूरणमिदम्।

साक्षिण इत्यादेरनुवृत्तिः। अन्यथावादिन इत्येकम्। यस्य तु वादिनोऽ**न्यथा** प्रतिज्ञाविरुद्धार्थं वदन्ति तादृशाः साक्षिणो भवंति। तस्येत्यादिशब्दोऽर्थः। तत्फलितमाह। **प्रतिज्ञामिति**। सर्वथा यस्येत्यस्य प्रतिज्ञादौ अन्वयः न साक्षिण इत्यत्रेति तात्पर्यम्। अत एव द्वितीयांततया पदद्वयेन प्रोक्तिः। विशेषमाह। **यत्र त्विति**। **प्रतिज्ञार्थेति**। तद्रूपस्यार्थस्येत्यर्थः। प्रतिज्ञातार्थस्येति-पाठांतरम्। **आदिना** मोहादिः। **तत्र** तादृशे स्थले। तस्येति पाठांतरम्। **प्रमेति**। प्रकृतसाक्षि-भिन्नेनेत्यर्थः। अत्र हेतुमाह। **न चेति**। न हीत्यर्थः। राज्ञेत्युपलक्षणमन्येषामपि। अत्र हेतुमाह। **स्वभेति**। यत इत्यादिः। **मनुकात्यायनावाह**। **यथेति**। **तेषां** साक्षिणाम्। अत्रहेतुमाह। **यद्दोषेति**। यतो दोषवर्जितमित्यर्थः। 'दोषविवर्जितामिति। पाठेऽपि हेतुगर्भं विशेषणं। अत एवाहोक्ते **त्विति**। स्वभावोक्ते तु सतीत्यर्थः। दोषसंभवादिति भावः।

याज्ञवल्कीये ८० श्लोकः।

पूर्वोक्तलक्षणैरित्यनेन साक्षिपरीक्षा उक्ता। अनिषिद्धैस्तपःस्वित्वादिगुणविशिष्टैश्चेति तदर्थः। स्वाभिप्रायविषये साक्ष्ये प्रतिज्ञातार्थवैपरीत्येनाभिहितेऽपीत्यन्वयः। यद्वाऽत्र साक्षी नामार्थी अभिमता-र्थस्य सम्यग्ज्ञाता, तस्य भावः साक्ष्यं, तदेव स्वस्यार्थिनोऽभिप्रायस्तात्पर्यविषयः। एवं च साक्ष्यपद-स्यैव व्याख्या। **स्वाभिप्राय इती**ति यथाश्रुत एवान्वयः। यद्वा स्वाभिप्राय इत्यस्य व्याख्या **प्रतिज्ञातेति**। 'पूर्वैभ्य' इत्यस्य मध्यमणिन्यायेनान्वयः। अग्रेऽपि तथा अर्थिनैव निर्दिष्टा इति भावः। **गुण्येनेति**। सत्यमेतदितीत्यर्थः। समासांतराभ्रमायाह। **पूर्वे इति**।

क्रमस्य विवक्षितत्वादाह**ार्थीति**। परीक्षात एवाह। **प्रमाणेति**। प्रमाणभूत इतिवत् प्रयोगः। अत एव च्विर्न। **निगदिते** साक्ष्ये उक्ते। 'निगदे दत्ते' इति पाठे सभ्यादिजनसमक्ष-मुच्चैर्निःसंदिग्धं भाषणं **निगद**स्तस्मिन् दत्ते कृते सतीत्यर्थः। स्मृत्यंतराविरोधमप्याह। **निर्णिक्ते इति**। शोधिते इत्यर्थः। **प्रमाणं** प्रमाणांतरम्। तदेवाह। **लिखितमिति**। अपिना भुक्तिसमुच्चयः। तत्र विशेषमाह। **पूर्वमिति**। उक्तमेवार्थं दार्ढ्याय सदृष्टान्तमाह। **यथेति**। **पक्केषु** पूर्णेषु पुष्टेषु। **प्रेति**। वर्षर्तोवर्षणरूपगुणा इत्यर्थः। निर्णिक्तेति बहुव्रीहिः। **प्रमाणं** प्रमाणांत-रान्वेषणम्।

आत्मेति स्वात्मेत्यर्थः। बहुव्रीहिरयं। विसंवादित्वे हेतुरयं। **अनेति**। शास्त्रप्रकटितदोषशू-न्यानामपीत्यर्थः। प्रसिद्धदृष्टदोषरहितानामपीति यावत्। स्वोपन्यस्तानामपीति भावः। **अर्थेति**। स्वार्थ-विरुद्धत्वेनेत्यर्थः। अपिना वचनसमुच्चयः। प्रतिज्ञातार्थस्य सत्यत्वेन स्वांतःकरणेनासावर्थ एवमेवेति दृढतर-प्रतीत्युत्पत्तेस्तदन्यथानुपपत्त्या साक्षिष्वपि दोषः कल्प्यते, न दृष्टप्रसिद्धदोषस्तेषु। तथा च परिकल्पित-दोषदुष्टत्वेन प्रमाणांतरान्वेषणाद्युपपन्नमेव। अंगीकृते च प्रमाणान्तरे व्यवहारदार्शिभिरपि व्यवहारः

१ "प्रतिज्ञानार्थगुण्येनेति" पृ ४८ पं २८। २ अनाविष्कृतदोषति पृ ४९ पं ३,

प्रवर्तनीय एव 'छलं निरस्य भूतेनेत्युक्ते' रिति भावः। तथा च तथाऽपरितुष्यतोऽर्थिनोऽयं साक्ष्यंतरान्वेषणोपदेश इति नानवस्था नापि स्मृत्यंतरविरोध इति बोध्यम्।

ननु स्वप्रमित्या साक्षिष्वदृष्टदोषकल्पनं कथमतो दृष्टांतमुखेनोपपादयति। **उक्तं चेति। गौतमेनेति** भावः। **यस्य च** संप्रत्ययस्य। **करणं** चक्षुरादिकं दुष्टम्। काचकामलादिदोषयुक्तम्। यत्र चेदं रजतमित्यादिज्ञानविषये नेदं रजतमित्यादिबाधकप्रत्ययः। स एव द्विविधः प्रत्ययोऽज्ञानरूपोऽसमीचीन इति दृष्टांतवाक्यार्थः। तं प्रकृते योजयति। **यथेति। अनध्यावसायेति।** काचकामलादिप्रसिद्धं तद्दोषाणामनिश्चयेऽपि। एवं सत्यपि अर्थस्य शुक्तिरजतादेर्विसंवादादन्यथात्वात्तज्जनितस्येदं रजतमिति ज्ञानस्याप्रामाण्येन चक्षुरादिगतदोषकल्पना यथा तथेहापि दार्ष्टांतिकेऽपीत्यर्थः।

न केवलं युक्तितः प्रमाणांतरान्वेषणसाधनमपि तु वचनबलादपीत्याह। **साक्षिपरीक्षेति।** साक्षिपरीक्षोपदेशतो भेदेन तद्वाक्येत्याद्यर्थः। तमेवाह। **साक्षिभिरिति।** 'उपस्थितान् परीक्षेत साक्षिणो नृपतिः स्वयमि' त्यस्य **नारदस्य** पूर्वार्धं। न केवलं साक्षिवचनमात्रेण निर्णयोऽपि तु तद्वचनपरीक्षयाऽपि। तथा च तस्यां क्रियमाणायां यदि तद्वचनमबाधितं तदा तस्य प्रामाण्यमन्यथा तु तेन साक्षिष्वपि दोषकल्पना स्यादेवेति तत्परीक्षाविधिबलात् गम्यते, अन्यथा तदानर्थक्यं स्पष्टमेवेति भावः।

अन्यदप्याह। **कात्यायनेति।** स्फुटमितस्तदर्थाप्रतीतेः कात्यायनोक्तं व्याचष्टे। **क्रियेत्यादि।** क्रियेत्यस्य व्याख्या। **साक्षीति** निषेधाविषयत्वमेव **नाप्ता इति। तं मनूक्त**मेवाह। **नार्थेति।** इत्थंच **मनुः।**

" सर्वधर्मविदोऽलुब्धा विपरितांस्तु वर्जयेत् ॥
नार्थसंबंधिनो नाप्ता न सहाया न वैरिणः ॥
न दृष्टदोषाः कर्तव्या न व्याध्यार्ता न दूषिताः ॥
न साक्षी नृपतिः कार्यो न कारुककुशीलवौ ॥
न श्रोत्रियो न लिंगस्थो न संगेभ्यो विनिर्गतः ॥
नाध्यधीनो न वक्तव्यो न दस्युर्न विकर्मकृत् ॥
न वृद्धो न शिशुर्नैको नांत्या न विकलेंद्रियः ॥
नार्तो न मत्तो नोन्मत्तो न क्षुत्तृष्णोपपीडितः ॥
न श्रमार्तो न कामार्तो न क्रुद्धो नापि तस्करः " इति ॥

(अ. ८ श्लो. ६३–६७)

अध्यधीनः बन्धके धृतः। **शुद्धेति।** तद्दोषरहितेत्यर्थः। चैस्त्वर्थे। उत्तरार्द्धार्थमाह। **एवमिति।** उक्तप्रकारेणेत्यर्थः। पूर्वार्धाविरोधाय न्यूनतानिरासाय च शुद्धाद्वाक्याच्चेत्यन्वयेन च समुच्चयमाह। **शुद्धाया इति। च वाक्यादिति।** वाक्याच्चेत्यर्थः। **य इति।** योऽर्थः शुद्धोऽवगतो निश्चित इत्यर्थः। **स शुद्ध इति।** शुद्धपदस्य व्याख्या **तथाभूत इति।** सत्य इत्यर्थः। एवं तदुक्तेः शाब्दार्थमुक्त्वा

१ क–तथा च तथा। २ ख–प्रसिद्धदोषाणाम्। ३ ख–अप्रमात्वेन। ४ 'शुद्धाच्चे' त्यत्र पृ. ४९ पं. ८ ॥

प्रकृतसंगतये तात्पर्यार्थमाह । **करणेति** । करणदोषश्च बाधकप्रत्ययश्च तौ तयोरभावे सत्यर्थोऽवितथ एव सत्य एवेत्यर्थः । **इत्यर्थ इति** । तात्पर्यार्थः । अत्र 'यदा शुद्धेति' पूर्वार्द्धेन साक्षिलक्षण-क्रियारूपकरणगतदोषाभाव उच्यते । शुब्दाश्चेत्युत्तरार्धेन तु बाधकप्रत्ययाभाव इति बोध्यम् ।

स्वयं स्वयमेव । तथा च विरोधः स्पष्ट एव । **स इति** । सभ्यैस्तयैव क्रियया तस्य जयेऽवधृते निश्चिते सति स दुर्बलक्रियावलंबी पुनस्तां बलवतीं क्रियां नाप्नुयादित्यर्थः । **कालमिति** निषेधक्रियाविशेषणम् । **निषेधात्** तत्कथनात् । अयं दर्शने हेतुः । कात्यायनः कर्ता । **नारदेति** । प्रागुक्तं ' आवेदितं नेति' वदता **नारदे**नापीत्याद्यर्थः । तृतीयांतस्य निषिद्धमित्यत्रान्वयः । एवव्यवच्छेद्यमाह । **न प्रागपीति** । **अपिना** उत्तरसमुच्चयः । **उक्तेऽपि** । तात्पर्यार्थः उपसंहरति । **तस्मादिति । अपरितुष्यता** अर्थिना ।

विशेषमाहै**वंस्थिते इति । असन्नीति** । ईदृशाः साक्षिणोऽसन्निहिताः संभवंतीत्यर्थः । **ते एवेति** । पूर्वनिर्दिष्टा एवेत्यर्थः । एवेन अभिहितवचननिरासः । ननु तेषामेव पुनः कुतो न प्रश्नः । अतः **मनु**-माह । **स्वभेति** । साक्षिणो व्यावहारिकं व्यवहारागतं यत् वचनं स्वभावेनैव ब्रूयुस्तत् ग्राह्यमित्यर्थः । अस्योत्तरार्द्धं ' अतो यदन्यद्विब्रूयुर्धर्मार्थं तदपार्थक'मिति २ । साक्षिप्रकरणस्य व्यवहारविशेषप्रकरणपा-ठादाह । **सर्वव्येति** । तथा चात्रापि व्यवहारः समापनीयस्तेन अर्थिना स्वीयप्रतिज्ञाया अन्यथाभाव-मज्ञात्वैव प्रथममेवान्येषामपि साक्षित्वेन निर्दिष्टत्वात्स्वभावेनैव प्रकृते तेषां वचनस्य सत्वादिति भावः । **नारद**मपि साधकत्वेनाह । **निर्णिक्त इति** । पूर्वविदनाभावे व्यवहारशुद्धौ प्रमाणान्तर (म) फलं तदशुद्धौ प्रमाणमेव अपरम् । इदमपि गुणवत्तमादीनां पूर्वविदनाभावे । तच्छुद्धत्वे तु ततो व्यवहार-शुद्धिप्राप्तावपि उक्तरीत्या तेषामप्रामाण्येन पूर्वमुभयावेदनेन सामान्यलाभेन विशेषाणामसंभवेन तेनैव निर्वाह इति भावः । **पूर्वनिर्दिष्टा इति** । संकलयन् विशेषांतरमाह । **पूर्वनिर्दिष्टानामिति तथाविधाः** ततो गुणवत्तमा द्विगुणा वा । एवव्यवच्छेद्यमाह । **न दिव्यमिति** । ततोऽपि विशेषमाह । **तेषामिति** । साक्षिणामित्यर्थः । **असंभवे** भवे तु । अन्यथानुपपत्त्येति भावः । पूर्वपक्षे उक्तमनवस्थारूपदोषमेवं सति प्राप्तं परिहरति । **अतःपरमिति** ।

स्वप्रत्ययबलादपरितुष्यता अर्थिना प्रमाणांतरमंगीकार्यमित्युक्तं, नैवं प्रत्यर्थिन इति विशेषांतर-माह । **यत्र त्विति । मन्येति** । प्रत्यर्थिविशेषणम् । **अवसरेति** । प्रसंगेत्यर्थः । 'मिथ्या क्रिया पूर्ववादे' इत्युक्तेरिति भावः । 'अवतारेति' पाठांतरम् । **व्यसनोद्भवेनेति** । दुःखनिष्पत्त्येत्यर्थः । **कर्तव्यमिति** पूर्ववत् प्रमाणांतरान्वेषणाभावेन अगत्या प्रत्यर्थ्यपरितोषपरिपालनायेति भावः । **तत्र च** । सप्तसु दिनेषु **तावता** तावतैव अगतेरिति भावः । **सप्ताहादिति** । ल्यब् लोपे पंचमी । सप्ताहमभिव्याप्येत्यर्थः । ' अर्वागित्यध्याहार ' इति तु **मेधातिथिः । उक्तेति** बहुव्रीहिः । साक्षिविशेषणम् । रोगादे-र्विकल्पो बोध्यः । **सः** साक्षी । **रोगो**ऽत्यंतपीडाकरः । **अग्नि**र्गेहधनदाहः । पुत्रदारादिप्रत्यासन्नमरणं **ज्ञातिमरणम्** । इदं च तस्य कूटसाक्षित्वे लिंगम् । एवं सति प्रसक्तं **मनुयाज्ञवल्क्य**योर्विरोधं परिहरति । **एतच्चेति** । 'यस्य दृश्येतेत्ये' **तन्मनूक्तं** च 'यस्योचुरिति' मूलस्यापवाद इत्यर्थः । कस्मिन् विषय इत्याशंकाया**माहापरीति** । एवेन विषयांतरव्यवच्छेदः । साक्षिभिः वाद्यभिमते एव साक्ष्ये उक्ते यदि प्रत्यर्थी परितुष्यति तदा मूलवाक्योक्त अर्थिजयः प्रत्यर्थिपराजयः तदा सप्ताहं साक्षिपरीक्षणाभावात् । यदा तु प्रत्यर्थिनोऽपरितोषेण तत्परीक्षणावश्यकतया तन्मध्ये साक्षिदो-

१ क–पूर्वविदितो व्यवहारशुद्धौ प्रकृते तेषां वचनस्य सत्वादिति भावः । नारदमपि न सामान्यलाभेन विशेषाणाम-संभवेन तेनैव निर्वाह इति भावः । २ अ ८ श्लो ७८

षावधारणेन ते दोषवंतस्तदा 'यस्येति' **मनु**वाक्येन मूलवाक्यमपोद्यत इति प्रत्यर्थिनः जयोऽर्थिनः पराजय इति भावः । इदं च ऋणं गृहीत्वा याचनावस्थायां दत्तं नैव वा गृहीतमित्युक्त्वा विपरीतं धर्मस्थानं प्रविशति तद्विषयकं बोध्यम् ।

उक्तेऽपीति । मूलवाक्यस्यैकदेशिव्याख्यानं दूषयितुमनुवदति । **केचिदिति** । व्याचक्षत इत्यत्रान्वयः । अस्य द्विकर्मकत्वादेकं कर्माह । **वचनमित्यंतेन** । द्वितीयमाह **अर्थिनेत्यादिती** त्यंतेन । **अर्थीति** । अर्थ्यर्थ्येत्यर्थः । अर्थ्यनुकूलमिति पाठस्तु सुगम एवं । 'अर्थ्यर्थविपोति' । अर्थ्यर्थे विपरीतं स्वानुकूलं इत्यर्थः । अत्र पक्षे पूर्वेत्यत्र षष्ठीतत्पुरुष इत्याह । **पूर्वस्येति** । तदर्थमाह । **वादिन इति** । दूषयति । **तदसदिति** । **क्रियेति** । क्रियाया एवानुपपत्तेरित्यर्थः । सामान्योक्तां तां विविच्य दर्शयितुमादावर्थिप्रत्यर्थिस्वरूपं प्रागुक्तमपि दाढर्यायाह । **तथा हीति** । अर्थ्यत इत्यर्थः। साध्यं तदस्यास्तीति व्युत्पत्तेराह । **साध्यस्येति** । प्रत्यर्थ्यर्थमाह । **तत्प्रतीति** । **तदभेति** । साध्याभावेत्यर्थः ।

ननु भवतु तदभाववादित्वं प्रत्यर्थिनस्तथापि क्रियानुपपत्तौ तस्य किमायातमत आह । **तत्राभावस्येति** । तयोर्मध्ये इत्यर्थः । अयं भावः । न भावो अभाव इति व्युत्पत्त्या भावाधीनत्वमभावस्वरूपस्य तथाऽभाव इत्युक्ते कस्येत्याकांक्षायां पटस्येत्यादेः प्रयोगेण तस्य प्रतियोगित्वात्प्रतियोगिभूतघटादिनिरूपणाधीननिरूपणत्वे प्रतियोग्यधिकरणाभ्यामभावो निरूप्यत इति । अत एव तत्रांतरे उक्तम् । 'प्रध्वंसाभावस्यापि भावस्वरूपासिद्ध्युत्तरकालिकत्वमिति' सर्वथा भावसिद्धिसापेक्षासिद्धित्वमभावस्य इत्येतद्वैपरित्यात्तच्छरीरे तदप्रवेशात्स्वातंत्र्येण सिद्धिर्नत्वभावापेक्षया सिद्धिरिति अभावसिद्धिनिरपेक्षासिद्धित्वं भावस्य । एवं च सापेक्षनिरपेक्षसिद्धिकयोरभावभावयोर्मध्ये निरपेक्षासिद्धिकत्वेन भावस्यैव साध्यत्वं युक्तमिति ।

नन्वभावस्य सापेक्षसिद्धिकत्वेऽपि साध्यता कुतो नास्तीत्यत आह । **अभावस्येति** । भावस्यैव साक्षात्साक्ष्यादिरूपप्रमाणप्रमेयत्वमभावस्य तु न साक्षादपि तु भावद्वारा । तथा च साक्षात्प्रमेयस्यैव साध्यत्वं, नातिभूयस्या परंपरया प्रमेयस्येति भावः । फलितमाह **अतश्चेति** । एवं च प्रत्यर्थिनस्तदनुपपत्तिरुक्ता सिद्धेति भावः । वाचनिकोऽप्ययमर्थ इत्याह । **अपि चेति** । **सर्वत्रैव** न केवलमत्रैव । नन्वेवमपि व्यवहारभेदवदत्रापि उभयोरपि अत्र क्रिया आस्तामिति न दोषोऽत आह । **न चैकेति** । नापीत्यर्थः । **कातीयमाह** । **न चैकेति** । दूषणमुपसंहरति । **तस्मादिति** ।

पूर्वोक्तस्याशयांतरवर्णनद्वारा तस्यार्थांतरप्रतिपादकप्रागुक्तैकदेश्युक्तिमेव दूषयितुमनुवदति । **अथ मतमिति** । सामान्योक्तं विशिष्याह । **मदीयमिति** । **तत्र** कालविशेषोक्तौ तत एव निर्णयस्य प्रागुक्तरीत्या संभवादाह । **पूर्वापरेति** । प्राप्तौ तद्राहित्यमेवानाकलितम् । ननु एवमपि साक्षिभिस्तत्र निर्णयः स्यादत आह । **तत्रेति** । अत एवाह । **कस्येति** । **नारद**माह । **द्वयोरिति** । व्याख्यातमिदं प्राक् । प्रतिज्ञायां कालानुक्तेराह । **यः पूर्वं निवेदेति** । प्राप्तिपूर्वत्वाज्ञानेऽपि निवेदनपूर्वत्वज्ञानेन तत्र निर्णय इति भावः । **स्थिते इति** । सिद्धांते इत्यर्थः । तस्यायमपवाद इत्युक्तम् । क्वापवाद इत्याशंकामपाकुर्वन् प्रकल्प्येवेति न्यायेन परिशेषादपवादविषयं वक्तुमादावुत्सर्गविषयमा**हातश्चेति** । अस्य तदपवादत्वाच्चेत्यर्थः । **समेत्यादि**नाऽपवादविषयता सूचिता । अपवादविषयमाह । **यदा तूत्तरेति** । अयमेव प्रतिवादी ।

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१ क-अनुवर्तते इति । २ ख-प्राप्तिपूर्वत्वा दानेपि पूर्वत्वदाने ।

तथा चास्मिन्नेव विषयेऽपवादत्वमिति भावः। एवं व्याख्याने प्रागुक्तदोषाभावमाहै**वं चेति**। ईदृश-विषयकत्वांगीकारे चेत्यर्थः।

ननु एवमादि पूर्वोत्तरयोर्वादिनोः साक्षिणां समत्वे पूर्ववादिनः साक्षिणः प्रष्टव्या इत्याद्युक्त्या एकस्मिन् विवादे द्वयोः क्रियाप्रसंगलाभेन प्राङ्न्यायेति। 'न चैकस्मिन् विवादे इति' च **कात्यायन**विरोध इत्यग्रिमं दोषद्वयं तदवस्थमेवात आह। **चतुरिति**। चोऽन्ते योज्यः। सत्यमिथ्याकारणप्राङ्न्यायोत्तरेष्वेव क्रियाव्यवस्था वादिप्रतिवादिनोर्द्वयोः क्रियाभावश्च। प्रकृतोदाहरणे तु द्वयोरपि प्रतिज्ञावादित्वेन तद्विलक्षणत्वान्न क्रियाव्यवस्थेति न द्वितीयतृतीयदोषाविति भावः। तृतीयदोषं प्रतिबंधाय युक्त्यन्तरेणापि खंडयन्ना**हैकस्मिन्निति**। स्थलविशेषे प्रागुक्ते इत्यर्थः। **परमते** सिद्धांतिमते। **तथेति**। अत्र पक्षे इति शेषः। यथा सिद्धांतिमते साक्षिभिरसाक्ष्ये उक्ते सति यत्र प्रतिज्ञातार्थस्यान्यथात्वेन स्वांतःकरणप्रत्ययाभावात्प्रमाणांतरांगीकारणमेवमस्मिन् मतेऽपि वादिप्रतिवादिनोः क्रियाद्वयं। **नारद**वचने जाग्रत्यपि यथा स्वांतःकरणप्रत्ययविसंवादित्वेनोक्तरीत्या तत्र मते प्रमाणांतरांगीकरणं तथाऽस्मन्मतेऽपि 'न चैकस्मिन्निति' **कात्यायन**वचने जाग्रत्यपि उक्तरीत्यैकत्र विवादे तयोः क्रियाद्वयमिति भावः। **इतिर्म**तसमाप्तौ।

इदमपि दूषयति। **तदपीति**। **आचार्यः** विश्वरूपाचार्यः। 'विश्वरूपविकटोक्तिविस्तृति' संहारात्मकत्वे नास्य ग्रंथस्य तदनुयायित्वात्। **इत्यतः शब्दादिति**। अस्माद्वचनादित्यर्थः। एवं शाब्दत्वं निरस्य व्यंग्यत्वं निराचष्टे। **अर्थादिति**। प्रयोजनादित्यर्थः। **प्रकरणं** वक्तृश्रोतृबुद्धिस्थता। किंच प्रकृतोदाहरणे ताभ्यां तथोक्तावपि साक्षिणां साम्येऽपि प्रागुक्तरीत्या कालादिनिश्चयद्वारा निर्णयसंभवेन न तदर्थमस्योपयोगः। किंच नैकमुदाहरणमिति न्यायेन सामान्यशास्त्राप्रणयनानर्थक्यमिति तथैवोचितमिति दिक्। तद्वाहे**त्यलमिति**।

याज्ञवल्कीये ८१ श्लोकः।

दर्शिता इति। अनुपदमेवेतिभावः। अन्येऽपि तेऽन्यत्र स्पष्टा। यद्यपि कूटकृतश्च ते साक्षिणश्चेति कूटकृतश्च साक्षिणश्चेति वा व्याख्यानं संभवति तथापि तथेत्यस्यावैयर्थ्यायैकदेशान्वयाभावाय च भेदेन व्याचष्टे। **य इति**। **आदि**ना सामादिपरिग्रहः। कूटान् साक्षिण इति पाठः। **मिथ्या**भूतानिति तदर्थः। 'साक्षिण' इति विशेष्यस्य प्रकरणाल्लाभः। अत एवाह। **साक्षिणश्चेति**। **तथेत्य**स्य व्याख्या **कूटा इति**। ते प्रागुक्ताः सर्वे। 'विवादादि'त्यस्य सान्निध्यात् द्विगुणमित्यत्रान्वयः। तदास्पदद्रव्यादित्यर्थे तस्य नियमेन अनियतदंडापत्तिः। तस्य स्वल्पत्वेन च बहुदंडापत्तिरधनव्यवहारेऽव्याप्तिश्चातोऽन्यथा व्याचष्टे। **विवादादिति**। हेतौ पंचमी। पराजये तस्य लक्षणा पूर्वत्रापि तस्याः सत्वेनात्राविशेषात् दंडे चान्वयस्तदाह। **विवादपराजये इति**। सतीति शेषः। गर्गदंडन्यायेन समुदाये दंडविश्रांतिवारणायाह। **पृथगिति**। इदं द्वितीये सफलम्। दंडं दंडनीया इति धनपेषं पिनष्टीतिवत् प्रयोगः। लक्षणा वा। यद्यपीदं सामान्योक्त्या सर्ववर्णसाधारणं तथापि विप्रे विशेषं तुर्यपादार्थमाह। **ब्राह्मण इति**। तुर्वैलक्षण्ये। निर्वासनं बहिष्कारः। अत एव विवासव्यतिरेकमाह। **न दंड्य इति**। उक्तार्थमाह। **ब्राह्मणेति**। दंडविषयो नेत्यर्थः। मन्वविरोधाय संकोचेन विषयविशेषपरत्वमाद्यार्थस्याह। **इति तच्चेति**। पादत्रयोक्तं चेत्यर्थः। तत्राद्ये आह। **लोभादिति**।

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१ प्रागुक्ताद्यदोषाभावं। २ ख–चोक्तरीत्या। ३ 'गर्गान् शतं दंडयती' त्यत्र न गर्गे प्रत्येकं शतं दंडः। अपितु समुदाये इति॥

दंड्य इत्यस्याग्रेऽनुषंगः । **पूर्वं तु साहसम्** । सार्धपणशतद्वयं । भयात् द्वौ मध्यमौ दंड्य इति पाठः । द्वौ मध्यमौ साहसावित्यर्थः । पणसहस्रमिति यावत् । ‘ भयाद्वै मध्यमो दंड्याविति ’ त्वपपाठः । असंबद्धत्वात् । **पूर्वं** पूर्वं साहसं । **चतुर्गुणं** पणसहस्रम् । एवमग्रेऽपि । **परं** उत्तमसाहसम् । **त्रिगुणं** पणसहस्रत्रयम् । पूर्वापेक्षया परो मध्यमसाहसस्तस्मिन् त्रिगुणे पंचदशशतानि संपद्यंते इति **कल्पतरुः** । भासमानपौनरुक्त्याभावाय हेतून् व्याचष्टे । **लोभ** इत्यादि । ‘मैत्र्या ’ इति पाठः इत्याह । **मैत्रीति** । मैत्र्यादिति पाठांतरम् । मैत्रीति ष्यञंतोऽञंतश्च । अयं व्यतिकरः संबंधः । नञोऽल्पार्थत्वेनाह । **अस्फुटमिति** । एतेन ‘ व्यवहारकाले एव विपरीतं ज्ञानमिति ’ **कल्पतरूक्त**मपास्तम् । मोहेन पौनरुक्त्यापत्तेः । **बालिश्यं ज्ञानेति** । तदुत्पत्तिप्रागभाव इत्यर्थः । बालिश्यमत्राप्राप्तमात्रयौवनत्वं न बाल्यं तस्य साक्ष्यानिषेधादिति **मेधातिथिकल्पतर्वादयः** । पूर्वाध्यायांतोक्तावष्टंभेनाह । **सहस्रादिष्विति** । तथा च पणानां सहस्रमित्याद्यन्वयः ।

एवं लोभादिकारणविशेषपरिज्ञाने दंडमुक्त्वा कौटसाक्ष्याभ्यासे दंडविशेषं तदुक्तमेवाह । **तथेति** । शब्दतस्तद्विषयत्वाप्रतीतेस्तत्स्पष्टयति । **एतच्चाभ्यासेति** । यद्यपि सकृदपराधे पूर्वमुक्तत्वादर्थादेवेदमभ्यासविषयं दंडाधिक्योक्त्या परिशिष्यते तथापि शाब्दत्वमप्यस्येति सूचनायाह । **कुर्वाणानिति** । वर्तमानार्थकलट्स्थानिकःशानजंतेन निर्देशादित्यर्थः । अयं भावः । अनभ्यासे एकदैव कृतत्वेन भूतार्थकक्तवंतत्वेन कृतवत इति निर्देष्टव्ये वर्तमानार्थकलटस्थानिकशानजंतेन कुर्वाणानित्युक्त्या क्रियायाः प्रारब्धापरिसमाप्तत्वरूपवर्तमानत्वेन पुनः पुनः कौटसाक्ष्याभिधानस्यापरिसमाप्तत्वाद्वर्तमानत्वमेव तस्येत्यभ्यासविषयत्वस्यैवास्य सूचनादिति । अत्र यतः कौटसाक्ष्यं तत एव पुनःपुनरभिधानं न तु पुनः पुनः प्रश्नपूर्वकमिति न पूर्वविरोध इति बोध्यम् । इदं व्याचष्टे विशेषं वक्तुं । **त्रीन्वर्णानिति** । ब्राह्मणस्य दंडांतरविधानादाह । **क्षत्रीति** । दंडस्यात्रानुक्तत्वादाह । **पूर्वोक्तमिति** । ‘एतानाहुः कौटसाक्ष्ये प्रोक्तान् दंडान् मनीषिभिः ॥ धर्मस्याव्यभिचारार्थमधर्मनियमाय चेति ’ । श्लोकमात्रव्यवहितेन लोभादित्यादिनोक्तमित्यर्थः ।

ननु प्रवासयेदित्यस्य कथमयमर्थोऽत आह । **अर्थेति** । प्रवासेति उपसर्गांतरासंसृष्टस्येत्यर्थः । अतः ‘सचिह्नं ब्राह्मणं कृत्वा स्वराष्ट्राद्विप्रवासयेदिति ’ स्तेयप्रकरणस्थमूलविरोधो नेति बोध्यम् । नन्वस्य धर्मशास्त्रत्वेन कथं तथाऽत आह । **अस्य चेति** । कौटसाक्ष्यमिति वचनस्येत्यर्थः । एतदंतर्गतमपि तदस्तीति प्राक् प्रतिपादितम् । मारणमेव केवलं सर्वत्र नार्थः । किंतु अन्योऽपि । तस्यानेकविधत्वमाह । **तत्रापीति** । अर्थशास्त्रेऽपीत्यर्थः । **कौटसाक्ष्यविषयेति** । तद्भेदेनेत्यर्थः ।

एतेन तदेव कथमिति शंका निरस्ता । **त्वं च** त्वं तु । ‘भवती ’ त्यन्वयः । क्रमेण निमित्तानि व्याचष्टे । **अत्यन्तेति** । एतत्तुर्यपादार्थमाह । **ब्राह्मेति** । केवलविवासनस्य मूले उक्तत्वेन अभ्यासे आधिक्यस्यापेक्षितत्वेन मध्यपातिदंडयित्वेत्यस्य मध्यमणिन्यायेन अत्राप्यन्वयादाह । **दंडेति** । अर्थांतरमाह । **यद्वेति** । एवमग्रेऽपि । बहुव्रीहेर्लाघवात्तत्पुरुषमाह । **वासस इति** । **वासो गृहमिति** । हलश्चेत्यधिकरणे घञ् । अग्रे प्रक्रिया पूर्ववत् । इति मन्वर्थसमाप्तौ । अस्यां व्यवस्थायां **यदपरार्केण** दूषणं दत्तं तदाशयाज्ञाननिबंधनमिति **व्यवहारोदधिसेतौ** प्रतिपादितं तत एव बोध्यम् । ननु मूलेन विवासनस्य उक्तत्वेन न ब्राह्मणस्य सर्वत्र साक्षिविषये विवासनमेव नार्थदंड इति

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१ ख—अस्तीति । २ ख—मूलेऽपि ।

व्याख्याते न च तस्य केवलार्थदंडः क्वापि न स्यादिति चेन्न सोऽपि हि अस्तीति प्रागुक्तं व्यवस्थापय न्नाह । **ब्राह्मणेति ।** प्रकृतमूलविषयत्वाभावादाह । **तत्र तत्रोक्त इति ।** लोभादौ निमित्ते लोभं वेतीति पाठः । लोभादित्यादि**मनूक्त** इत्यर्थः । एवेन विवासनव्यवच्छेदः । **अभ्यासे त्विति ।** 'लोभादिकारणविशेषपरिज्ञाने'इत्यादिः । अत्रापि प्रकृतमूलाविषयत्वादव्यवहितकौटसाक्ष्यं त्विति मनूक्तमाह**हार्थैति ।** अत एव विशेषं प्रागुक्तमेव अव्यवस्थायां व्यवस्थितमाह । **तत्रापीति ।** विवासनांशेऽपीत्यर्थः । **अनुबंधो** गुणः । 'न वेतीति पाठः । एवं तत्परिज्ञानेऽनभ्यासे उक्त्वा तदपरिज्ञाने तत्र आह । **लोभादीति ।** अत्रोक्त**मनु**द्वयस्यापि प्रागुक्तस्याप्राप्तेर्विशिष्यान्वयस्य तस्यानुक्तत्वात्सामान्यभूतपृथगिति पादत्रयविषयत्वेनाह । **क्षत्रियादिवदिति । एवेन** मूलोक्तविवासनिरासः । विषयस्याल्पत्वात्तद्दंडस्य महत्त्वात् ।

नन्वेवं मूलतुर्यपादस्य निर्विषयतापत्तिरत आह । **महेति ।** उक्तनिमित्ते एवेति भावः । विषयभेदमात्रं अन्यत्सर्वं प्राग्वत् । **नमेवेति ।** मूलेन तस्यैवोक्तत्वात् । मनूक्ताविषयत्वात् विशिष्य दंडानुक्तत्वात् सामान्योक्तस्य तेन बाधाच्चेति भावः । **एवेना**र्थदंडनिरासस्तथा सतीति तात्पर्यम् । **अत्रापीति ।** लोभादिकारणविशेषापरिज्ञानादौ महाविषयेऽपीत्यर्थः । **सर्वेषां** ब्राह्मणादीनां । एवेन दंडांशे वैलक्षण्यनिरासः । अन्याविषयत्वादाह । **मनूक्तमिति ।** 'कौटसाक्ष्यमि' त्यनेनोक्तमित्यर्थः । यद्वा मनूक्तत्वेन साम्यादुभयांशेऽप्यवैलक्षण्यं बोध्यम् । यद्वा एवो व्युत्क्रमे । **मनू**क्तमेवेत्यर्थः । अन्याविषयकत्वसूचक एवकार इति बोध्यम् ।

न चेति । समग्रधनमक्षतमित्याद्युक्तेर्विंध्यनुपलंभाच्चेति भावः । तथा च **मानवे** 'दंडयित्वेति' पूर्वान्वयो वेति बोध्यम् । तत्रादौ युक्तिमाह । **अर्थदंडेति ।** यत इत्यादिः । **निषिद्ध इति ।** 'न शारीरो ब्राह्मणस्य दंड' इति **गौतमादिनेति** भावः मनु । मूलस्य तुल्यार्थकत्वेन तत्प्राप्तमाह । **नग्नीति ।** अन्यत्रांकनस्याप्युक्तत्वादाह । **अंकेति ।** समाहारद्वंद्वः । एतदन्यतममित्यर्थः । ननु दंडस्य महत्त्वेनापराधस्याल्पत्वेन वैषम्येणायोग्यतया कथमेतत्प्रसक्तिरत आह । **दंडाभावो वेति ।** अन्यदंडस्यानुक्तत्वात् । न चेदं युक्तं दंड्यादंडनेन राज्ञो दोषस्योक्तत्वात् । अधर्मवृद्ध्यापत्तेश्चेति भावः ।

ननु धिग्दंडवाग्दंडावुक्तावेवेति । तौ यथासंभवं तत्र भविष्यतोऽत आह । **चतुर्णामिति । मनू**क्तिरियम् । अत्र शारीरामिति क्षत्रियादिपरम् । धनेति साधारणं इति भावः । धर्मादनपेतं धर्म्यम् । ननु "ब्रह्महा च सुरापश्च स्तेयी च गुरुतल्पगः ॥ एते सर्वे पृथक् ज्ञेया महापातकिनो नराः ॥ चतुर्णामपि चैतेषां प्रायश्चित्तमकुर्वतां ॥ शारीरमित्यादि" । तत्र पाठो दृश्यते । एवं च ब्राह्मणपरतयाऽप्युपपत्तिरस्य । अत एव 'शारीरं धनसंयुक्तमि' त्यस्य स्वरसतस्संगतिः । तस्य च 'दशस्थानानि' 'उपस्थमुदरमि' त्यादिनोक्तमित्यर्थ इति नेदं साधकमत एव **यमस्मृति**रपि "सर्वेषामेव वर्णानामन्योन्यस्यापराधिनाम् । शारीरं कारयेदिति" । तादृशानां क्षत्रियादिवर्णानां सर्वेष्वपि ब्रह्महननादिष्वित्याद्यर्थः । अधिकरणस्य संबंधित्वेन विवक्षया षष्ठी । **एवो**ऽप्यर्थे । अत आह । **सहस्रमिति ।** स्त्रीसंग्रहप्रकरणे **मनू**क्तिरियम् । **चस्मेति ।** स्मरणाच्चेत्यर्थः । आदौ तथेति पाठे अत्रापः पाठः ।

नन्वेवं **शंख**विरोधस्तत्र त्रयाणां क्षत्रादीनां धनापहरादित्रयमुक्त्वा ब्राह्मणस्य विवासनांककरणयोरेवोक्तत्वात्तथा च स्थलविशेषे तथासत्वेऽपि सामान्येनार्थदंडस्तस्य नैव युक्तोऽत आह । **यत्तु**

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१ विवासनं वा नग्नीकरणमिति । २ ख-अत्रकस्यपि प्रागुप्तस्याप्राप्तेः ३ सामान्योक्तस्यानेन बाधाच्चेति । ४ ख-अधर्मवृद्ध्यापत्तेश्च ।

शंखेति त्रयाणां क्षत्रियादीनाम् । **धनेति** । वधश्च बंधक्रिया च ते धनापहारश्च ते च ता इत्यर्थः । **विवेति** । समाहारे द्वंद्वः । **सर्वस्वेति** । तथा च तथोक्त्या ब्राह्मणस्य सर्वस्वहरणं तात्पर्यतो निषिध्यते नार्थदंडमात्रमिति भावः ।

ननु प्रकृते वधशब्दसांनिध्येऽपि सर्वस्वहरणस्य तत्साहचर्यस्यान्यत्रादृष्टत्वात् प्रकृते तत्सहपाठमात्रेण कथं तस्य तत्परत्वमत आह । **शारीरस्त्विति** । **मानव**मेवेदम् । **जीवितांतः** तद्ग्रहणांतः । एवमग्रेऽपि । 'प्रकीर्तित' इत्यस्योभयान्वयो मध्यमणिन्यायेन । तथा च अर्थदंडस्तु तदादिस्तदंतः प्रकीर्तितः । **च** किंचार्थं । **स तथैव** तत्सदृश एवेत्यर्थः । **मनु**विरोधं परिहरति । **यदप्युक्तमिति** । **प्रथमकृतेति** । स्त्रीसंग्रहणाख्यप्रक्रांतसाहसविषयकमित्यर्थः । प्रकरणादेवेति भावः । ननु सहपठिततया साधनवच्छारीरस्यापि । ब्राह्मणप्राप्तिः स्यादत आह । **शारीरस्त्विति** । **कदाचित्** कदाचिदपि । 'राष्ट्रादि'त्यस्य प्राचीनं **मान**वमाह । **न जात्विति** । सर्वपापेषु स्थितमपि ब्राह्मणं कदाचिदपि न हन्यादित्यर्थः । **सामेति** । पातकसामान्येनेत्यर्थः । 'अक्षतमि' त्यग्रिममपि **मानवं** हेत्वंतरतया आह । **तथेति** । समुच्चयेऽयम् । **भूयान्** अधिकः । **इतीति** । सामान्येन मनुस्मरणादित्यस्यानुषंगः । प्रपंचितमिदं प्राक् तत एव बोध्यम् ।

याज्ञवल्कीये ८२ श्लोकः ।

अपि चेति। साक्षिणामुक्तदोषान्यदोषे दंडांतरमाहेत्यर्थः। अत एव तुरुक्तवैलक्षण्ये। **'न ददातीति'** प्रयुक्तमूलापौनरुक्त्यायाह । **अंगीकृत्येति** । ल्यबन्तस्य निह्नुते इत्यत्रान्वयः। 'अन्यै' रित्यादिरुत्तरेणान्वयः। **साक्ष्यमिति**। यदित्यादिः। **निगदनकाले**। भाषणकाले इदमर्थलब्धम्। तेषां तमःकार्यत्वादाह। **रागादीति**। हेतुगर्भविशेषणमिदम्। तादित्यस्यार्थं प्रक्रांतत्वादाह। **साक्ष्यमिति**। प्रकृतत्वात्तदर्थमाह। **साक्षिभ्य इति**। निह्नवमेवाह । **नाहमिति** । विवासमित्यस्योक्तार्थकस्यानुवृत्तेराह । **विवासेति** । ननु 'यःस इति' सामान्योक्त्या पादत्रयोक्तदंडस्य सर्ववर्णविषयत्वं सकृदपराधेनाभ्यासे तद्गमकाभावात्, 'तमोवृत इति' हेतूक्त्या तत्रापि लोभादिसारया सामान्यपरिज्ञानविषयत्वलाभेऽपि न तद्विशेषपरिज्ञानविषयत्वं गमकाभावात् एवं साक्ष्यंगीकारादिपूर्वकनिह्नवदोषस्य पूर्वत आधिक्येन द्विगुणदंडादष्टगुणदंडोक्तावपि तद्वदत्राप्यन्यविषयत्वं न ब्राह्मणविषयत्वं तत्र विवासनस्यैव व्यवस्थापितत्वात्तुर्यपादेन । एवं सति अत्र तुर्यपादेन सामान्यप्राप्ताष्टगुणदंडापवादेन विप्रस्य कथं विवासनाविधिः ? न हि पूर्वदंडोऽपि महाविषयक एवेति वक्तुं शक्यः तत्र विवासनस्यैव व्यवस्थापितत्वादत आह । **ब्राह्मणमिति** । **त्व**र्थमाह । **पुनरिति** । स्वल्पविषये बहुदंडस्यायोग्यत्वात् । तत्र ब्राह्मणे अर्थदंडस्यानुपदमेव व्यवस्थापितत्वादाह । **अष्टगुणेति** । अयं भावः । यद्यपि सामान्येनार्थदंड उपदिष्टो **योगिना** तथापि तद्दानसमर्थं प्रत्येवायमुपदेशो नासमर्थं प्रतीत्यवश्यं वक्तव्यमन्यथा मुनेर्भ्रांतत्वापत्तिस्तथा च ब्राह्मणस्यापि तत्सामर्थ्ये तद्विषयेऽयमेव मुख्यः, तदसंभवेऽनुकल्पो विवासनम् । एतद्वैलक्षण्यसूचक एव **तुः** । सर्वथा तस्य शारीरदंडाभावेन सेवादिनिषेधेन चानुकल्पांतरस्यासंभवात्सर्वथा दंडाकरणे राज्ञो दोषश्रवणात्प्रागुक्तविवासनमेव तस्यानुकल्प इति । यत्तेन प्रधानक्रियानिरूपितवैलक्षण्यसूचकतुशब्दविरोधादष्टगुणेत्यादिचिंत्यादिच्चित्यमिति **वीरमित्रोदयोक्त**मपास्तं पुनः स्पष्टार्थमाह । **विवेति** । एतत् त्रितयस्वरूपमित्यर्थः । नन्वेवं क्षत्रादेरपि तदसंभवेऽनुकल्पो वाच्योऽन्यत्रात्र चानुक्तत्वादतः प्रागुक्तरीत्या न्यूनतां निराचष्टे । **इतरेषां त्विति** । क्षत्रियादीनामित्यर्थः । तथाचैकत्वमत्राविव-

क्षितमिति भावः । यदा तु लोभादिकारणविशेषपरिज्ञानं न ददातीति प्रागुक्तमूलापौनरुक्त्यायाह । **अंगीकृत्येति** । सिंहावलोकनन्यायेन पूर्वत्रापि न्यूनतां निराचष्टे । **एतच्चेति** । विप्रस्य दंडदानासमर्थस्य विवासनं, क्षत्रादीनां तदसमर्थानां कर्मकरणादीति यदुक्तं तदित्यर्थः । य इत्याद्युक्तेरेकस्यैवेदं इति भ्रमनिरासायाह । **यदेति । समानेति** । प्रागुक्तरीत्या पृथक् पृथक् दंड्या इत्यर्थः । तथा च मूलमुपलक्षणम् । 'ग्रहं संमार्ष्टीतिवदुद्देश्यविशेषणमेकत्वमविवक्षितं वेति न न्यूनतेति भावः । अभ्यासो महाविषयश्च तदा प्रागुक्तरीत्या सार्थदंडविवासनम् । नत्वत्रापि यथायथं बोध्यम् । विशेषमाह । **यदा त्विति । तदाऽनुबंधेति** । जातिद्रव्यगुणाद्यपेक्षयेत्यर्थः । **उक्त्वेति** । उक्तेति पाठे समस्तम् । तत्र हेतुमाह । **वागिति** । वाचश्छलमन्यथात्वं तदन्विता इत्यर्थः । विशेषांतरमाह । **न चेति** । नापीत्यर्थः । प्रकारांतरमपि न कार्यमित्याह । **भेदयेदिति** । स्वयं रहस्यगमनेऽपि अन्यद्वारा भेदोऽपि न कारिणीय इत्यर्थः । अत एव चोक्तिः । मूले रह इत्यव्ययम् । एतत्फलमाह । **हीयेतैवमिति** ।

उपस्थितत्वादुक्तव्युत्क्रमेणाह । **अवचनमिति** । सर्वत्र व्यवहारे पूर्वोक्तमूलाभ्यामिति भावः । अग्रे एकस्यैवोक्तत्वादाह । **अपवादार्थमिति** । अन्यथाऽपवादमित्येव ब्रूयात् ।

याज्ञवल्कीये ८३ श्लोकः ।

वर्णशब्दस्य धर्मपरत्वस्यापि सत्वादाह । **वर्णिनामिति** । अर्थांतराभ्रमायाह । **शूद्रेति** । अत्र प्रातिलोम्येन कथनं हीनस्यापि वधो गर्हितः, किमुत्कृष्टस्येत्यन्यत्राप्येवं बोध्यं इति ज्ञापनार्थं हिसूचितमाह । **सत्येति** । तदानीं तस्याभावादाह । **संभेति** । अन्यसंग्रहाय तात्पर्यार्थमाह । **सत्यमिति** । तदेवाह । **अनेन चेति । चो** वाक्यालंकारे । प्रागुक्तक्रमेणाह । **असत्येति** । उभयाभ्यनुज्ञाने उक्तेऽपि कुत्र किमित्याशंकायां तयोर्व्यवस्थां दर्शयितुमुक्तक्रमेणैवादावसत्यवचनाभ्यनुज्ञाविषयमाह । **यत्र शंकेति** । एतत्स्वरूपमादावुक्तम् । अवचनाभ्यनुज्ञाविषयमाह । **यत्र त्विति** । वचने च तत्रापि । तत्रे विशेषमाह । **राजेति** । यदीत्यस्य तात्पर्यमाह । **अथेति** । कथमपि न मुंचतीत्यन्वयः । साक्षिण इति शेषः । **तस्यापि** । भेदस्यापि । तत्र बीजमाह । **असत्येति** । ननु तत्र दोषैक्येऽपि दुष्टत्वं तदवस्थमेवात आह । **तत्र चेति** । तद्दोषनिरासार्थं चेत्यर्थः ।

तर्हीति । उभयाभ्यनुज्ञायामित्यर्थः । किमितिशेषः । नन्वित्यादिः । तच्छब्देन तयोरुक्तक्रमेण परामर्श इत्याह । **अनृतेति** । द्विजैरित्यनेन शूद्रनिरासस्तस्यापि साध्यत्वात् तस्य तु प्रायश्चित्तं **विष्णु**नोक्तम् । 'शूद्रश्चैकाहिकं गोदशकस्य ग्रासं दद्यादिति' । **एकेति** । एकदिनभक्षणपर्याप्तमित्यर्थः । ब्राह्मणभोजनन्यायेनाह । **एकैकश इति** । सरस्वद्देवताकत्वनिरासायाह । **सरस्वतीति** । अत्र शास्त्रेऽपरिभाषणादाह । **अनवेति** ।

ननु साक्ष्यनृतवचनावचनयोः स्थलविशेषे शास्त्राभ्यनुज्ञाने यदि प्रत्ययाभावस्तर्हि प्रायश्चित्तोक्तिरफला, अथ यदि प्रत्यवायस्तर्ह्यभ्यनुज्ञानं व्यर्थमिति मिथो विरुद्धमिदमत आह । **इहायमभीति** । अभिप्राय इत्यर्थः । अनृतवचनावचननिषेधौ द्विविधौ, साधारणावसाधारणौ च । तत्राद्यौ 'नानृतं वदेत्य' नारभ्याधीतः 'अब्रुवन् विब्रुवन्वे' त्यादिकौ, द्वितीयौ तु 'स तान् सर्वानवाप्नोति यः साक्ष्यमनृतं वदेदिति' 'अब्रुवन् हि नरः साक्ष्यमिति' च । एवं सति प्रकरणात् द्वितीययोरेव शास्त्राभ्यनुज्ञावशात्तयोर्न प्रायश्चित्तभाक्तयोर्व्यवहितत्वात्तयोरव्यवहितत्वादित्याह । **साक्षिणामिति । तादिहेति** ।

१ क–तत्रापि

अत्र मूले पूर्वार्धेनेति भावः । नन्वेवं प्रायश्चित्तविधानं व्यर्थमिति चेन्न । साधारणनिषेधापवादाभावात्तत्राभ्यनुज्ञाभावात्तदतिक्रमजन्यदोषपरिहारायास्य साफल्यात् यच्छब्देन बुद्धिस्थवाचिना तयोः परामर्शसंभवादित्याह । **यस्त्विति ।** नन्वेवं वर्णिनामित्यभ्यनुज्ञापरवचनमनर्थकम् । सामान्यतो निषिद्धभूतवचनातिक्रमजन्यदोषयोस्तथाऽप्यवस्थितत्वादित्याह । **न च मतव्यमिति । निमित्तेति ।** निमित्तिनिमित्तकेत्यर्थः । पूर्वं मूले तथा क्रमस्य सत्वात्तदनुरोधेनात्र सर्वत्रानृतवचनस्य पूर्वनिपातः । **प्रत्यवायस्येति** 'जातावेकवचनं' । एवमग्रेऽपि । तत्र प्रत्येकाभिप्रायं वा हेतुमाह । **यत इति ।** साधारणनिषेधातिक्रमजन्यप्रत्यवाययोर्भूयस्त्वाभावप्रतिपादकतया तस्य सार्थक्यामिति भावः ।

ननु ब्रह्महत्याविचारे पापं भवति, तथोद्योगे ततोऽधिकं, तद्धनने कृते तु महत्पापमिति पूर्वपूर्वापेक्षयोत्तरोत्तरस्य पातकस्याधिक्येऽपि हत्यानिमित्तकमहाप्रायश्चित्ते कृते आनुषंगिकविचारोद्योगादिजन्यानां[2]मल्पीयसामपि पापानां यथा निवृत्तिस्तथेहापि तत्राभ्यनुज्ञावचनेन महतः प्रत्यवायस्य निवृत्तेरनुषंगासिद्धसाधारणानृतवचनावचननिषेधातिक्रमजन्यस्वल्पप्रत्यवाययोरपि निवृत्तिः स्यादिति तदर्थं प्रायश्चित्तोपदेशो व्यर्थ एवेत्याशयेन शंकते । **यद्यपीति ।** यस्य कस्यापि । 'तथाऽपीह' इति । वचनद्वयकरणादिह तथा न अन्यथाऽन्यतरवैयर्थ्यं स्पष्टमेव । अभ्यनुज्ञावचनात्तथासिद्धावेव प्रायश्चित्तवचनादेतत्सिद्ध्यतीत्युभयोरुल्लेखः । साक्षिग्रहणमुपलक्षणमित्याह । **एतदेवेति ।** स्वातंत्र्येणानुक्तत्वात् । **अन्यत्र** साक्षिभिन्नेषु । **अनृतेति ।** सामान्यवचननिषिद्धेत्यादिः । अत एव तत्र प्रत्यवायाभावात् । एवं तौल्येऽपि कश्चन विशेषमाह । **न चेति ।** मूलोक्तं तु साक्षिविषयकमिति भावः । प्रकृतवैषम्यमाह । **प्रतीति ।** ननु भवदुक्तरीत्या तदभावस्तथाप्यनृतवचनादेव अयं राजदंडस्तु स्यादेवात आह । **निमित्तांतरेणेति । अन्येषां च** पांथादीनां । **अस्मादेव ।** अभ्यनुज्ञावचनादेव अपराधे सति दंडः शास्त्रतस्तदभ्यनुज्ञानेऽपराधाभावेन तदभावः । यदि तु दंडः स्यात्तदा तद्धेत्वपराधकल्पना स्यादिति वचनवैयर्थ्यं तदवस्थमेवेति भावः ।

इति साक्षिप्रकरणम् ।

अथ लेख्यप्रकरणम् ६ ।

व्यवहितसंगतिं प्रदर्शयन्स्वल्पमुपोद्घातमाह । **भुक्तीति । तत्र** निरूपणीये लेख्ये । तत्र शासनमिति पाठः । तयोर्मध्ये इत्यर्थः । **तच्च** जानपदं च । **अन्यकृतमिति ।** सामान्यवचनं निषिद्धमिति भावः । अन्यकृते पूर्वपाठे अन्यकृतमिति **नारदानुरोधात्** । **तत्र** तयोर्मध्ये । **असाक्षिकं** साक्षिनिरपेक्षम् । देशव्यवहाराविरोधाय व्यवस्थामाह । **अनयोश्चेति ।** क्रमस्य विवक्षितत्वात्स्वहस्तेत्यस्य पूर्वनिपातो द्वंद्वे, मध्यमपदलोपिसमासो वा । यथेति पाठः । लेख्यं तु यथा स्वहस्तकृतमन्यकृतं चेत्येवं द्विविधं ज्ञेयम्, तथा यथाक्रममसाक्षिमत्साक्षिमच्चेत्येवं तदुभयं ज्ञेयमित्यर्थः । तथेति पाठे पूर्वत्र तथेतिवद्यथेत्यस्याध्याहारेणोक्त एवार्थः । **सिद्धिरिति ।** तयोर्देशस्थितेस्तदाचारात्प्रामाण्यमित्यर्थः । अथ मूलमवतारयति । **तत्रेति ।** तयोर्मध्ये इत्यर्थः । तस्य प्रामाण्यस्य बहूपायसाध्यत्वाद्दादावुक्तिः ।

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१ ङ—निषिद्धानृतवचनम । २ क—ख—जनानां । ३ ङ—प्रमाणम् । ४ ख—अनृतवचनादप्रयुक्तो राजदण्डः । ५ ख—पांथेति सामान्यवचनं ॥

याज्ञवल्कीये ८४ श्लोकः ।

यः कश्चिदिति । उक्तनारदाद्वक्ष्यमाणमूलाच्चास्यान्यकृतपरत्वम् । कश्चिदर्थमाह । हिरण्येति । तामेवाह । इयतेति । रुच्यंतरमाह । इयती चेति । ' निष्णात ' इत्यस्य व्याख्या व्यवेति । ' तस्मिन्नि ' त्यस्य व्याख्या अर्थे इति । विषयसप्तमीयं, विप्रतिपत्तावन्वयः यथाश्रुतेऽनुपपत्तेः शेषमाह । कालांतरे इति । पत्तौ[1] संभावितायामिति शेषः । लेख्ये साक्षियुक्तत्वं तन्नामवैशिष्ट्येन । अत एवाग्रेऽपि यथाश्रुतासंभवादाह । नामेति । ' कार्यमि ' त्यस्य व्याख्या कर्तव्यमिति । ' लेख्यं वेति ' वाशब्दसूचितं लाघवाद्विशेषं पक्षांतरमाह । उक्तेति । ते एव वेत्यर्थः । नारदमेवाह । कर्त्रा त्विति । वादेषु[2] सत्सु । पक्षांतरमाह । स्वकृतमिति । वाऽथ । अथ वा । नैतावत् ।

याज्ञवल्कीये ८५ श्लोकः ।

प्राग्वदाह । धनीतिमात्रेण तस्यापूर्तिरित्याह[3] । अपि चेति । अत्र समादीनां व्याप्यव्यापकभावः । अत एव क्रमस्य प्रतिपाद्यत्वात्तस्य प्रागुक्तिरेवं क्रमो नामादावपि बोध्यः । समाशब्दः स्त्रीलिंगो बहुवचनांत इत्याह । समा इति । तदर्द्धः पक्ष इति पाठः । अक्लीबत्वादेकदेशिसमासाभावात्षष्ठीतत्पुरुषः । अविनिगमकत्वादाह । कृष्णो वेति । अहःशब्दोऽत्र अहोरात्रपर इत्याह । तिथिरिति । प्रावग्दाह । धनीति । स्वार्थे क इत्याह । वासीति । अयं द्वंद्वस्तदाह । एतैरिति । अग्रे सत्वादत्रापि अध्याहरति । चिह्नितमिति । अन्यदप्याहेत्याह । तथेति । ' सब्रह्मे ' त्यस्य तत्साधारणमित्यर्थस्तदाह । बहूचेति । बहूचादेर्या शाखा तदध्ययनप्रयुक्तमित्यर्थः । अत एवाह । गुणेति । प्राग्वदाह । धनीति । एतैश्चिह्नितमिति पाठः । वाक्यपूर्तये आह । लेख्यमिति ।

याज्ञवल्कीये ८६ श्लोकः ।

प्राग्वदाह । किंचेति । अर्थोऽत्र प्रागुक्त एवेत्याह । धनिकेति । यथाश्रुतासंगतेराह । लिखित इति । अत्रेत्यस्य व्याख्या । अस्मिन्निति । परकृतत्वादाह[4] । लेखितमिति । अमुकपुत्रस्येत्यार्षम् । एवमग्रेऽपि । इतीति । एवंप्रकारेण नाम निवेशयेदित्यर्थः । यथाश्रुतासंगतेराह । लिखेदिति ।

याज्ञवल्कीये ८७ श्लोकः ।

प्राग्वदाह । तथेति । साक्षिमति पत्रे प्रतिपादितमर्थमाह । तस्मिन्निति । चार्थमाह । तेऽपीति । स्वार्थे कः । लेखने नाम पूर्वत्वाभावादाह । लेखनेति । अत्रार्थमाह । अस्मिन्निति । समुदायनिरासायाह । अमुक इति । उक्तिस्वारस्यादाह । एकैकेति । वैषम्यस्यप्रागुक्तत्वादत्र विषये विशेषमाह । ते चेति । विनिगमनाविरहादाह । संख्येति । एतेनासमा इत्यकारप्रश्लेष इत्यपास्तम् । उभयत्र ' स्वहस्तेने ' त्यंशे विशेषमाह । यद्यधेति । साक्षी वेति । अलिपिज्ञ इति भावः । स्वमतुमित्यादेरनुषंगः[5] । समीपतः समीपे ।

याज्ञवल्कीये ८८ श्लोकः ।

प्राग्वदाह । अपि चेति । ततः साक्षिलिखनानंतरम् । अन्ते सर्वाधः । न तूपरि ।

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१ विप्रतिपत्तौ । २ विवादेषु । ३ क-तस्य पूर्तिरित्याह । ४ ङ-क्ष-प्रकृतत्वात् । ५ क-इत्यस्यानुषंगः ।

याज्ञवल्कीये ८९ श्लोकः ।

विनाऽपीति । तुरुकवैलक्षण्ये । यत् लेख्यं स्वहस्तलिखितं तत्तु लेख्यं साक्षिभिर्विनाऽपि प्रमाणं स्मृतं **मन्वा**दिभिरित्यन्वयः । लेख्यमित्यस्य पुनरुक्तिः स्पष्टार्था । अग्रे 'तत्र' सर्वमिति पाठस्तु युक्त एव । तदाह । **यदिति** । मुख्यमुपधिशब्दार्थमाह । **छलेति** । न्यूनतानिरासायेदमुपलक्षणं इत्याह । **लोभेति** । एतत्सूचनार्थमेव **नारद**माह । **नारदेति** । **मत्तेति** । अत्र स्त्र्यादेर्द्वंद्वं कृत्वा पुनः सः । **मत्तः** पानादिना । **अभियुक्तः** आक्षिप्तः । **च**स्त्वर्थे ।

प्रागुक्तमेव 'सिद्धिर्देशस्थितेः' इत्यस्यार्थं कथयन् सविशेषमुपपादयन्नाह । **तच्चैतदिति** । तदेतच्चेत्यर्थः । इदमेव प्रत्यासत्त्या व्युत्क्रमेणाह । **स्वहस्तेति** । **अबन्धकव्यवहारे च युक्तमिति** । तत्र च यथाक्रमं नियतं संबन्ध्यं इत्यर्थः । अग्रेऽन्वयः । **इत्येतावदिति** व्याचष्टे । **न पुनरितिं रेवेति** । किं त्विति शेषः । **प्रातिस्विकेति** । 'प्रतिनियतेति' पाठांतरम् । अपिना तेषामपि समुच्चयः । **व्यक्ताधीति** विशेषमेव व्याकर्तुं कर्मप्रत्यये अर्थासंगतेराह । **विधानमिति** । भावे किरिति भावः । **गोप्याधीति** समाहार द्वंद्वः । आदिनाऽकालकृतादिपरिग्रहः । सबंधकव्यवहारविषयमिदं स्पष्टं । 'बंधकप्रकारलक्षणं यत्र तत्तथेति तु' **कल्पतरुः** । क्रमस्य साकांक्षत्वादाह । **अर्थानामिति** । 'अवीति' व्याचष्टे । **क्रमश्चेति** । एवं पदार्थमुक्त्वा वाक्यार्थमाह । **तदेवमिति** । **नारद**तात्पर्यार्थं प्रागुक्तमेवाह । **राजेति** । व्यतिरेके दृष्टांतः ॥ ८९ ॥

संगतिमाह । **लेख्येति** ।

याज्ञवल्कीये ९० श्लोकः ।

प्रागुक्तं दृष्टांतयति । **यथेति** । एवं च तत्सजातीय एवायमर्थो न त्वपूर्व इति भावः । अत एवाह । **आहर्त्रिति** । एवव्यवच्छेद्यमाह । **न चेति** । पूर्वोक्तिं सफलयाति । **नियेति** । अत एवाह । **नन्विति** । **अवीति** । साक्षिलेख्यसाधारण्येनेत्यर्थः । **नियतं** नियमितम् । क्वचित्तथैव पाठः । **अस्यैव** 'पुत्रपौत्रै'रित्युक्तस्यैव सामान्यस्य । **प्रभवां** जन्यां । **इदं** 'ऋणं लेख्य कृतमिति' । तदेव स्मृत्यंतरं प्रकरणशुद्धिपूर्वकमाह । **तथाहीत्यादिना** । तद्व्याचष्टे । **इत्थमिति** । एवमित्यस्य व्याख्येयम् । एतदर्थमेव तदुक्तं प्राक् । 'तं कालमपीति' पाठः । कालं अतिक्रांतमपीत्यर्थः । क्वचित् समस्तपाठः । अव्यवहितान्वयनिरासायाह । **संबंधीति दाप्यते** । राज्ञेति शेषः । दापयेदिति पाठांतरमुभयत्र ।

इतो यथा तदा शंका तामाह । **अत्रेति** । तदुक्तावित्यर्थः । 'प्रतीयते' इत्यत्रान्वयः । पत्रारूढ ऋणविषये पुत्रपौत्रादिभिरेव देयमिति नास्यार्थः । किंतु बहुवचनाद्वरतो ऋणे ग्रहीतृसंबंधित्वे सति देयत्वप्रतीत्याऽर्थात्प्रपौत्रादिभिरेव देयमिति प्रतीयते । तथा पौत्रे मृते तत्पुत्रस्य तेनादातृत्वप्राप्तावप्यतिक्रांतमित्युक्तेस्तेषां दातृत्वप्राप्तिर्भवतीति भावः । **तथा** तद्वत् । 'अभिहित' मित्यस्यानुषंगः । प्राग्वदाह । **अत्रापीति** । प्रतीयते इत्यत्रान्वयः । सामान्योक्त्यैवात्र प्राग्वन्नावधारणमित्याह । **चतुर्थादिभ्योऽपीति** । आक्षेपसमाधियुक्तमुपसंहरति । अतश्चेति । नन्वेवं **हारीतकात्यायनयोः** का गतिरत आह । **वचनेति** । **च**स्त्वर्थे । आद्ये पितॄणां बहुत्वमविवक्षितं उद्देश्यगतत्वात् । कालातिक्रमस्यापि तावत्पर्यंतस्यैव संभवेन ग्रहणं न त्वग्रिमस्य । द्वितीयमपि तावत्परमेवेति भावः ।

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१ 'साधुशब्दैरेवेति' । २ 'उपसर्गे घोः किः' व्या. सू. (३।३।९२) ।

नन्वेतदभावे कथं पूर्वप्राप्तिरत आह । **सबंधेति** । अपिना द्वितीयसमुच्चयः । अस्य नियमेऽन्वयः । अयौगपद्यायाह । **क्रमेणेति** । **ऋणेति** । 'चतुर्थादेरि' त्यादिः । नन्वेतावताऽपि स्फुटं न तत्वप्रतीतिरत अपवादत्वमुपपादयति । **यावदिति** । अस्यार्थमाह । 'चतुर्थेनेति' दिक्प्रदर्शनमिदम् । तत्पदार्थमाह । **ऋणमिति** । सर्वमिति न्यायेनाह । **तावदेवेति** । प्राग्वत् प्राप्तपौनरुक्त्यं निराचष्टे । **नन्वित्यादिना** । **स्यादिति** । अत इदमप्यावश्यकं तस्य तत्प्राप्त्यर्थमिति भावः ॥९०॥

संगतिमाह । **प्रासंगीति** ।

याज्ञवल्कीये ९१ श्लोकः ।

'नष्टोन्मृष्टे' इति समाहारद्वंद्वः । नन्वत्र देशांतरस्थादि उद्दिश्य पत्रांतरकरणविधिः प्रतीयते तत्र किं तेषां प्रत्येकं निमित्तत्वमुत समुदायस्य ? । तत्र न तावदाद्यः । तथा शब्दासंगतेः । सकृच्छ्रुतस्य विधेयस्य सर्वैरन्वयासंभवाच्च । न चावृत्त्या तथा प्रधानानुरोधेन गुणावृत्तावपि वैपरीत्यस्य सकलतंत्रविरुद्धत्वात् वाक्यभेदापत्तेश्च । न द्वितीयः । अथ वेत्यस्यासंगतेः । स्मृत्यंतरविरोधेनापसिद्धांताच्च । अत आह । **व्यवेति** । **पत्रे** पूर्वपत्रे सति । अन्यथानुपपत्त्या सकलसाधारणानुगतधर्माक्षेपेणास्यैवोद्देश्यत्वं ' न तस्येति न कोऽपि उक्तदोष इति भावः । णिजर्थाविवक्षया आह । **कुर्यादितीति** । पादत्रयार्थस्यैवं सत्यन्वयं कथयन्व्यवहाराक्षमत्वमेव विशदयति । **व्यवेति** । एतेन तदेव कथमिति शंका निरस्ता । **अक्षमत्वं च** अक्षमत्वं तु । अस्य भवतीत्यत्रान्वयः । क्रमणे निमित्तानि व्याचष्टे । **अत्यन्तेति** । निकटे आनयनस्य सुकरत्वाल्लक्ष्यार्थोऽयम् । 'पत्रे' इत्यस्याग्रे सर्वत्रान्वयः । 'दुष्टानी' त्यस्यार्थद्वयम् । 'लेख्यानी' त्यस्यापि । तयोः यथासंख्यमन्वयः । नष्टादेरौपाधिकभेदमाह । **कालेत्यादि** । **आदिना** जलपातादिना । **विदलिते** संचूर्णिते । **दग्धे** प्रज्वलिते । 'दग्धेऽग्निनेति' पाठांतरम् । सर्वपाठोऽपि क्वचित् स्पष्टार्थः । एतेषामपि विकल्पो बोध्यः । अत एव 'अथवे' त्यस्य संगतिः । 'तथेति' तु सादृश्ये न तु समुच्चये ।

नारदविरोधं मूलस्य परिहरन् विशेषमाह । **एतच्चेति** । पत्रांतरकरणं चेत्यर्थः । तत्र तस्यावश्यकत्वादाह । **व्यवेति** । तादृशे स्थले आह । **देशांतरेति** । **दुर्गेति** । दुःखेनापि गंतुमशक्यदेशे इत्यर्थः । 'दुर्देशेति' पाठांतरम् । अयं प्रकारोऽन्यत्रापीत्याह । **नष्टे वेति** । वा चार्थे । तेनान्येषामपि समुच्चयः । उत्तरार्धं व्याचष्टे । **सत इति** । तेषां मध्ये इत्यादिः । तत्पदार्थमाह । **आनयनायेति** । समासस्तु संबंधसामान्यषष्ठ्या कार्यस्तत्र । **पुन**स्तु । अन्यनिरासायाह । **पूर्वमिति** । तत्कर्मकं दर्शनमिति नार्थ इत्याह । **तैरिति** । लक्ष्यार्थमाह । **व्यवेति** ।

विशेषांतरमाह । **यदा त्विति** । कात्यायनमाह । **अलेख्येति** । लेख्यसाक्ष्युभयरहिते व्यवहारे इत्यर्थः । **दैवीं** क्रियाम् । विशेषांतरं वक्तुमुक्तमेवाह**तच्चेति** । **जानपदमिति** लौकिकमित्यस्यैव नामांतरम् । 'लौकिकं राजकीयं च लेख्यं कुर्याद्विलक्षणामिति' **वसिष्ठोक्तेः** । 'राजकीयं जानपदं लिखितं द्विविधं स्मृतमिति' **संग्रहोक्ते**श्च । अत्रोभयत्र राजकार्ये राजकीयमित्याभ्यां प्रत्येकं त्रयाणां ग्रहणमिति न न्यूनता । अत एवाह । **राजकीयमपीति** । **कात्यायन**माह । **राज्ञ इति** । **तथेति** समुच्चये । "राजकीये तथा राजा स्वहस्तेन लिखेत् स्वयम् । मतं मेऽमुकपुत्रस्य ह्यमुकस्य महीपते ' रिति **व्यासः** । **अर्थेष्विति** विषयसप्तमी । **साक्षिमदिति** साधारणोक्तिः ।

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१ ख-सर्वैष्वन्वयासंभवाच । २ क-राजकार्यम् । ख-राजकार्या । ३ ख-लेखितम् ।

यथोपेति । येन प्रकारेणोपन्यस्तो यः साध्यार्थः प्रतिज्ञार्थस्तेन संयुक्तम् । अनेनाद्यपादप्रदर्शनम् । उत्तरं च क्रिया च ताभ्यां सहितम् । क्रिया पत्रादिरूपा । अनेन द्वितीयपादप्रदर्शनम् । अवधारणं निर्णयस्तेन सहितम् । स्वार्थे कः । अनेन तुर्यपादप्रदर्शनम् । **हस्ताङ्कं** तदक्षराङ्कम् । एवमग्रेऽपि । **वादिने इति ।** ' पूर्वोत्तरक्रियावादिनिर्णयान्ते यदा नृपः । प्रदद्याज्जयिने लेख्यं **जयपत्रं** तदुच्यते ' इति **बृहस्पत्युक्ते**रिदमुपलक्षणम् । अत्रादिग्राह्यं सूचयन्नेवाह **तथेति । कात्यायनमाह । सभेति ।** तत्र व्यवहारे । **यथेति ।** क्रियमाणे राजकीयव्यवस्थापत्रे यथा तद्वज्जयपत्रेऽपीत्यर्थः । एवेन तस्यावश्यकता सूचिता । व्यवहारस्य निःशल्यत्वोपायं प्रतिपादयन्नत्र हेतुभूतं विशेषांतरमाह । **सभेति । चेन** अन्येषामपि तत्रत्यानां समुच्चयः । **यत्र** निर्णयविवादे । विशेषान्तरमाह । **एतदिति ।** जयपत्रमित्यर्थः । **कात्यायन**माह । **साधयेदिति ।** साध्यार्थसाधकं तदन्वितं च यद्व्यवहारस्वरूपं **यत्** यतोऽतस्तदेव तदंकितं तदिष्यत एवेत्यर्थः । **चे**नान्यसमुच्चयः । यद्यपीदं सभासदां चेत्यतः प्रागुचितं तथापि सभासदां प्रसंगात्तद्विषयकं तदादावुक्तम् । एवव्यवच्छेद्यमाह । **यत्र त्विति ।** तस्योपयोगमाह । **तच्चेति ।** हीनपत्रं चेत्यर्थः । **विशेषः ।** हीनपत्रतः ।

याज्ञवल्कीये ९२ श्लोकः ।

संशयकोटिद्वयमाह । **शुद्धमिति ।** कृत्रिम कृत्रिमं चेत्यर्थः । तथा च **नारदः** (अ. १ श्लोक १४३–१४४) "यस्मिन्स्यात् संशयो लेख्ये भूताभूतकृते क्वचित् । तत्स्वहस्तक्रियाचिह्नयुक्तिप्राप्तिभिरुद्धरेत् ॥ लेख्यं यच्चान्यनामाङ्कं हेत्वन्तरकृतं भवेत् । विप्रत्यये परीक्षेत संबंधागमहेतुभि"रिति । **विप्रत्यये** विप्रतिपत्तौ । 'लिखितमिति'कर्मणि भूते निष्ठा । तेनेदानींतनव्यावृत्तिस्तदाह । **स्वहस्तेनेति ।** प्रत्यासन्नत्वादाह । **लेख्यांतरमिति ।** पत्रांतरमित्यर्थः । ननु द्वयोर्भेदेन तेनास्य कथं शुद्धिरत आह । **यदीति । साक्षीति ।** साक्षिलेखकयोर्यत्स्वहस्ताभ्यां लिखितान्तरे । एतदपेक्षया भिन्ने लिखिते तत्संवादादेतल्लेखीयाक्षरस्य तदक्षरसादृश्यादेतत्पत्रस्य शुद्धिरित्यर्थः । तथा चेदमन्यकृतविषयम् । श्रौतं तु स्वकृतविषयमिति भावः । इतिः पूर्वार्धार्थसमाप्तौ ।

देशकाले इति । समाहारद्वंद्वात् सप्तमी । 'कालपुरुषेति'पाठे समस्तं त्रयाणां तेन संबंध इति यावत् । तदेवाह । **अस्मिन्निति ।** युक्तिपदार्थमाह । **घटत इति ।** योग्यं भवतीत्यर्थः । संभवतीति यावत् । **कल्पतरु**रप्येवम् । **युक्ति**रर्थापत्तिः । **प्राप्ति**र्द्वयोरेकत्रावस्थानमित्यन्ये । **तत्साक्षीति ।** प्राप्तिसाक्ष्युपेत्यर्थः । अत एव वक्ष्यमाणविरोधो न, **कल्पतरु**रप्येवम् । संव्यवहारः क्रियेत्यन्ये । **आदिना** स्वस्तिकमुद्रादिपरिग्रहः । **पूर्वमिति** विवादात्प्रागित्यर्थः । **दानेति ।** धनस्येत्यादिः । श्रीकारादीति आदिना स्वस्तिकमुद्रादिपरिग्रहः । **अर्थस्य** धनस्य । आगमः पूर्वमिति विवादक्रियादिरित्यन्ये । आगमांतद्वंद्वस्य हेतुशब्देन कर्मधारय इत्याह । **एते एवेति ।** उत्तरार्धस्य क्रियांतराध्याहारेणान्वयः । भ्रमनिरासायाह । **एभिरिति ।** सोऽप्येवं हेतुरनुमानमित्यन्ये । विशेषमाह । **यदा त्विति । तदारूढांस्त्विति ।** पत्रारूढान्साक्षिणस्त्वित्यर्थः । पत्रके इत्यत्र स्वार्थे **कन् ।** अस्य वक्ष्यमाणाविरोधं परिहरति । **साक्षिसमिति । इदं कातीयं ।** तदेवाह । **न मेति । एतेन** अन्येन केनाचित् । अतएवाह । **कारितमिति । तत्पत्रमिति ।** तत्पत्रं प्रमाणत्वेनानाश्रित्य अथ अनंतरं दिव्येन निर्णयः कार्य इत्यर्थः । 'अथ दिव्येनेति'पाठः । 'अर्थे' इति पाठे तद्विषये इत्यर्थः ॥ ९२ ॥

अवतरणमाह । **एवमिति । दातुमिति ।** युगपदिति शेषः । एवमग्रेऽपि ।

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१ ख–चो हेतौ । २ ख–तत्वस्यापि सत्वादाह । ३ क–ख–आदिना आध्यादिपरिग्रहः न स्वस्तिकमुद्रादि ।

याज्ञवल्कीये ९३ श्लोकः ।

आर्थिकमाह । **शक्तीति** । उत्तरार्द्धार्थमाह । **उत्तेति** । स्वहस्तशब्दो लाक्षाणिक इत्याह । **लिखितेति** । तथा च क्रियाविशेषणमिदमिति भावः । अत्र पक्षे तत्पृष्ठभागे तल्लिखने ऐच्छिकविकल्पो लब्धः । स च न युक्तः । तस्याष्टदोषदुष्टत्वात् । प्रकारांतरेणोत्तरार्धस्य साफल्ये । तथोक्तेरयुक्तत्वाल्लक्षणाद्यापत्तेश्चात आह । **यद्वोपगतमिति** । भावक्तांतादर्श आद्यजित्याह । **प्रवेशपत्रमिति** । पर उत्कर्ष इतरव्यावर्तकत्वरूपो यस्यास्तीति परि लिखनं स्वहस्तस्य परि तेन चिह्नितमिति पत्रविशेषणं तादृशं लेख्यांतरं कृत्वेति भावः । तदाह । **स्वहस्तलिखितेति** । भावे क्तः । **उत्तमर्ण इति** । प्राप्ताल्पधन इति भावः । तथा चात्र न लक्षणा क्वापि । लेख्यासन्निधिविषयं चेदम् । तदाह **विष्णुः** । ' असमग्रदाने लेख्यासान्निधाने चोत्तमर्णः स्वहस्तालिखितं दद्यादिति ' । नाव्यवहितमात्रविषयमिदं किंतु साधारणमिति ॥

याज्ञवल्कीये ९४ श्लोकः ।

सांनिध्याद्व्युत्क्रमेणाह । **क्रमेणेति** । द्वितीयपादं व्याचष्टे । **यदा त्विति** । **वा** चार्थे । तेनान्येषामपि संग्रहः । मौलस्तु विकल्पे एव । **अधेति** । स्वाधेत्यर्थः । **अन्यत्** पूर्वकृतात् भिन्नम् । णिजर्थमाह । **उत्तमर्णम् इति** । उत्तमर्णेनेति पाठांतरम् । 'हृक्रोरिति'[२] वा कर्मत्वात् । तात्पर्यार्थमाह । **पूर्वोक्तेति** । प्रागुक्तरीत्यर्थः ।

एवं लेख्यै[३]स्थाने उक्त्वा साक्षिमात्रप्रमाणकऋणग्रहणविषये आह । **ससाक्षिके इति** । साक्षिणां सर्वदा सान्निध्यासंभवादिदं यौगपद्यविषयकमित्याह । **कृत्स्ने इति** । चस्य व्युत्क्रमान्वयादाह । **यच्चेति** । यत्त्वित्यर्थः । क्वचित्तथैव पाठः । **पूर्वेति** । बहुव्रीहिस्तत्साक्षिसमक्षमित्यर्थः । क्वचिदेवमेव पाठः । वा एवार्थे व्युत्क्रमे चेत्याह । **एवेति** ॥ ९४ ॥

इति लेख्यप्रकरणम् ।

अथ दिव्यप्रकरणम् ७ ।

संगतिमाह । **लिखितेति** । अभ्यर्हितत्वात्प्रवृत्तिक्रमस्य विवाक्षितत्वाच्चास्य पूर्वनिपातः । ' अथे ' त्यस्य ' कथयती ' त्यत्रान्वयः । प्रतिबंधकशिष्य–जिज्ञासानिवृत्तौ सत्यामवश्यवक्तव्यत्वरूपावसरसंगतिप्राप्तमित्यर्थः । **दिव्यमिति** जातावेकवचनम् । तुलाधारणेत्यादिना **दिव्यमातृकां** दिव्योपोद्धातम् ।

तत्राद्यश्लोकमवतारयाति । **तत्रेति** । दिव्यमातृकायां कथनीयायामित्यर्थः । **तावदादौ** । नाम्ना वस्तुसंकीर्तन**मुद्देशः** ।

याज्ञवल्कीये ९५ श्लोकः ।

कर्मवत्स्य विवक्षितत्वात्तुलाशब्दस्य पूर्वनिपातः । त्रयाणामितरेतरद्वंद्वः । समासांतविधेरनित्यत्वान्न सः । विशुद्धिपदार्थमाह । **संदिग्धस्येत्यादि चतुर्थ्यंतेन** । नित्यसापेक्षत्वादाह । **संदेहनीति** । योग्यतयाऽऽकांक्षाशांतये आह । **दातेति** ।

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१ क–अष्टविध दुष्टत्वात् । २ 'हृक्रोरन्यतरस्याम् ' व्या–सू० । ३ क–लेख्यस्थले ।

एतान्येव दिव्यानीत्याशयेनावतरणमाह । **नन्विति । धट इति ।** ' धटः स्यात्तु तुला काष्ठमिति ' **कोशः । पितामहेति । बृहस्पति**रपि । " धटोऽग्निरुदकं चैव विषं कोशश्च पंचमः ॥ षष्ठं च तंडुलाः प्रोक्ताः सप्तमं तप्तमाषकः ॥ अष्टमं फाल इत्युक्तं नवमं धर्मजं स्मृतम् । दिव्यान्येतानि सर्वाणि निर्दिष्टानि स्वयंभुवेति " । अत एव शंकायां बहुवचनसंगतिः । **एतावन्ति** पंच ।

यद्यपि त्रेधा नियमः संभवति अपराधविशेषे, दिव्यस्वरूपे, उभयत्रापि; तद्यथा, महाभियोगरूपापराधेष्वेवं दिव्यानीत्याद्यः, इयंत्येव दिव्यस्वरूपाणीति द्वितीयः, मिलितस्तृतीयः, तथाऽप्याद्य एव नियमः स्वीक्रियते न द्वितीयतृतीयौ । **पितामहोक्ति**विरोधादित्याह । **एतानीति ।** ' तुले ' त्यत्र निर्दिष्टानि दिव्यानि । महाभियोगेष्वेवेति नियम इत्यर्थः । 'नपुनरि ' त्यनेनार्थात्तृतीयस्यापि निरासः । पुनःशब्देन तन्निरास इति त्वयुक्तम् । उदक्षरत्वात् । **न पुनरिति ।** न त्वित्यर्थः । अनेन शंका समाहिता । नियम्यते इत्यस्यानुषंगः । ननु महत्त्वस्यासावधिकत्वेनानियमापत्तिरत आह । **महत्त्वेति ।** ' नासहस्रादि'त्यादिनेति भावः। तथा च नानियम इति बोध्यम् ।

स्मृत्यंतरविरोधापत्त्या प्रोक्तनियमो न घटत इत्याशंक्य परिहरति । **नन्वल्पेत्यादि । पितामह**माह । **कोशमल्पेऽपीति**[1] **। सत्यमिति ।** उक्तवचनाविरोधाय विधिनियमयोर्विधेर्ज्यायस्त्वेन तथैव स्वीक्रियते न तु तस्य नियमशरीरे प्रवेशः तथा च तस्य तैः सह पाठो न तदर्थोऽपि तु यथा तुलादीनि सावष्टंभाभियोगेषु एवमयमपीत्येवमर्थे इति भावः । **सावष्टंभाभीति ।** अवष्टंभेन सहितः सावष्टंभः । ' स्वोपरि दंडांगीकारश्चावष्टंभनिश्चयः स ' इति **कल्पतरुः । अन्यथा** मूले कोशस्यानुपादाने कोश । इति भावः । मूलानुक्तत्वात् स्मृत्यंतरमाहा**वष्टंभेति ।** 'सावष्टंभेति' पाठांतरम् । **पिताम**होक्तिरियम् । **धटादीनि** चत्वारि **शंकास्वेवेच्चि ।** 'शंकास्वेतानि योजये ' दिति पाठांतरम् ।

तथा च महाभियोगो महाभिशापः । स च द्विविधः । शंकितः सावष्टंभश्च । स्वोपरि दंडमङ्गीकृत्य लापितः **सावष्टंभः ।** एवमल्पाभियोगेऽपीति बोध्यम् । अत एवाह । **महाभियोगेष्विति** तद्भेदा[2]याह । **शंकितेष्विति ।** उभयविधमहाभियोगेष्वविशेषेण प्रोक्ततृतीयादेर्विशेषानादरेणैतेषां तुलादिचतुर्णां प्राप्तावित्यर्थः ।

अनुवृत्त्याहै**तानीति ।** चत्वारीत्यर्थः । अर्थादाह । **अभियुक्तस्येति ।** शक्यार्थमाह । **शिर इति ।** प्रकृते व्यवहारपुरुषस्य तदाह । **व्ययेति ।** स्पष्टार्थं पुनस्तत्स्वरूपमाह । **जयेति ।** प्रकृते तु पराजय एव विवक्षितः । अत एव तत्संबंधाल्लक्ष्यार्थमाह । **तेन चेति ।** ' तिष्ठति ' त्र अहानौ । ' समये तिष्ठ सुग्रीवेति ' वत् । अंगीकृतदंडनं न जहातीत्यर्थः । अत एवाह । **तदिति ।** पराजयेत्यर्थः । **इत्यर्थ इति ।** ' तस्मिन्सती ' त्यादिः । अभिशापदातरि शीर्षकस्थे पराजयहेतुं[3]कदंडभाजि सत्येवैतानि भवंति । ' यद्यनेनेदं न कृतं स्यात्तदा मया दंडो देय ' इति वादी शीर्षकस्थः तादृशे तस्मिन् सतीत्यर्थः । तथा च सावष्टंभेष्वेव तेषु तेन[4] नाशंकितेषु तेष्विति विशेषोक्त्या तदपवादत्वमित्यर्थः ॥ ९५ ॥

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१ ख–एवमग्रेऽपि । २ ख–तद्भेदमाह । ३ क–हेतुकं । ४ क–तेष्वेतेन शंकितेषु । ख–तेनाशंकितेषु ।

यद्यप्यव्यवहितसंगतिः ' तत्र विकल्पमाहे ' त्येवं संभवति तथापि विशेषप्रतिपादनाय व्यवहितसंगतिमाह । **तत इति ।** वस्तुतस्तदपवादत्वाभावादाह । **वादार्थमिति ।** तदर्थमुक्तापेक्षया विकल्पमाहेत्यर्थः । रुचिरेत्र न प्रसिद्धेत्याह । **अभीति ।** ' अन्यतर ' इत्यत्र ' अल्पाच्तर'मितिवत् । स्वार्थे तरप् । उक्तादन्य इत्यर्थः । तदाह । **अभियोक्ता वा दिव्यं कुर्यादिति ।** मौलं विकल्पमाह । **वा दिव्यमिति ।** अत एवाह । **इतरोऽभीति ।** दंडविकल्पमाह । **अर्थदंडं वेति ।** एतेन तरपो यथाश्रुतत्वेन तस्याभियोक्ताऽभियुक्तो वेति व्याख्यानम्, अग्रे चैकमेवेति क्वचिदुपलभ्यमानमयुक्तं वेदितव्यम् ।

याज्ञवल्कीये ९६ श्लोकः (पूर्वार्धः)

ननु दिव्यतत्वे ' शीर्षकस्थे ' इत्यनेनाभियोक्तुः शिरोवर्तित्वाभिधानादभियुक्तस्य दिव्यमित्युक्तम् । रुच्येत्यनेन तु अभियुक्ते शिरोवर्तिनि तदिच्छया अभियोक्तुरपि दिव्यमुच्यत इत्युक्तमिति तथैव कुतो नोक्तमत आह । **अयमभीति ।** अभिप्राय इत्यर्थः । **भावैकेति ।** भावमात्रेत्यर्थः । **इति**स्ततसमाप्तौ । अयं भावः । अयं च विकल्पोऽभियोक्त्विच्छायामेव । तदनिच्छायां त्वभियोज्यस्यैव दिव्यम् । ' न कंचिदभियोक्तारं दिव्येषु विनियोजयेत् । अभियुक्ताय दातव्यं दिव्यं दिव्यविशारदै ' रिति **दिव्यतत्वे कातीयोक्ते**रिति ।

उत्तरपद्यमवतारयितुमुक्तं सर्ववचनसिद्धमर्थमनुवदति । **अल्पाभीति ।** 'यथाक्रमं कोशमल्पेऽपी' त्यनेन 'महाभियोगेष्वेतानी' त्यनेन 'शंकास्वेव न संशय' इत्यनेन, 'तुलाग्न्याप' इत्यत्र तुलादि सहपाठेन च, चतुर्षु स इत्युक्तमित्यर्थः । यथासंख्यभाषया व्याससमासाभ्यामुक्तिः । एतत्सूचक एवापिः । **नियम इति ।** जातावेकवचनं । **चो** व्युत्क्रमे । दर्शितश्चेत्यर्थः । तत्राद्या ' महाभियोगेष्वेतानी ' त्यनेन, ' शीर्षकस्थे ' इत्यनेन द्वितीयो दर्शित इति बोध्यम् । ' शंकास्वेवे ' त्येवकारस्तु तंडुलान्वयाशयक इत्यपि बोध्यम् । **तत्र** तयोर्मध्ये ॥

याज्ञवल्कीये ९६ श्लोकः (उत्तरार्द्धः)

(मूले) **अथ**शब्दः समुच्चये । **पातक**पदं महापातकपरमित्याह । **ब्रह्मेति ।** 'शीर्षकादि' त्यस्य व्याख्या **शिरःस्थायिनेति ।** तथा च राजद्रोहमहापातकयोः शंकायामपि तुलादीनि कार्याणीति तदपवादत्वमिति भावः । अथ समुच्चेयमेवाह । **महाचौर्याभीति । तन्मध्ये ।** तत्र चेत्यर्थः । क्वचित्तु आद्यपाठः । **नारदपितामहावाह । यथाहेति ।** साजात्यादेकवचनम् । **राजभिरिति ।** अत्र 'राजभिरिति' शंकामुपक्रम्य 'आत्मशुद्धिपराणां च दिव्यमि' त्यनेन निरवष्टंभाभियोगे च दिव्यदानस्योपसंहारात्तन्मध्यपातिनिर्दिष्टानामित्यस्यापि शंकाविषयत्वं बोध्यम् । **दिव्यतत्त्वे कालिकापुराणे-** "परदाराभिशापे च चौर्यागम्यागमेषु च। महत्पातकशस्ते च स्याद्दिव्यं नृपसाहसे ॥ विप्रतिपत्तौ विवादे च अवर्णास्थापने कृते । तत्रैव दापयेद्दिव्यं शिरः पूर्वं महीपतिः ॥ परदाराभिमर्शे च बहवो यत्र वादिनः ॥ शिरोहीनं भवेद्दिव्यमात्मनः शुद्धिकारणादिति ' । **अगम्याः** परदारभिन्नाः साधारणवेश्याद्याः । **शस्ते**ऽभिशस्ते । **साहसं** बलादन्यायः । **विप्रतिपत्तौ** परदाराभिशापादिविषयायाम् । **विवादे**

१ ' तदपवादार्थमाह ' (मि. पृ. ९७ पं. १९) २ क-हतिरत्र । ३ क-मोलविकल्प एवायमतएवाह । इतरोऽभीति । ४ क-न काश्चिदभियोक्तारम् । ५ स-यथासङ्ख्या भावत्य ।

ऋणादानादिविषये । **अवर्णा** निंदा । परोति विशेषणमविवक्षितम् । अभिशापस्यानुवाद्यत्वात् । एव बहव ' इत्याद्यपि । 'परदाराभिमर्शे चेति' चौर्यादीनामप्युपलक्षणम् । तेन वाद्यभावेऽपि सैर्वाभिशापे दिव्यं भवति । अत एव ' शुद्धिकारणादिति ' हेतूक्तिः । 'विनाऽपीति' मौलसामान्योक्तिश्च संगच्छेते । **विष्णु**रपि " राजद्रोहे साहसेषु विनाऽपि शीर्षकार्पणामिति " । **नारदो**ऽपि, (अ. १ श्लो. २७०) " अशिरांसि च दिव्यानि राजकृत्येषु दापयेत् ॥ अभियोक्ताभियुक्तानामन्यषां तु यथाक्रममिति "

'शंकास्वेवेत्येवकारं ' सफलयन् विरोधपरिहाराय विशेषमाह । **तंडुलाः पुनरिति ।** तंडुलास्त्वित्यर्थः । **चौर्ये त्विति ।** यद्यप्यत्र चौर्ये इत्येवोक्तं तथापि तंडुलरूपाल्पदिव्यानुरोधेन निमित्तस्याप्यल्पत्वकल्पनमिति भावः । प्राग्वदाह **तप्तेति । चौर्येति पितामहो**क्तिः । यद्यप्यत्र ' चौर्यशंकेत्य ' विशेषेणोक्तं तथापि तप्तमाषस्य तीक्ष्णत्वेन महादिव्यत्वान्नैमित्तिकतप्तमाषानुसारेण निमित्तस्य चौर्यशंकाया महत्त्वं युक्तमिति भावः । इदं च तृतीये व्यक्तीभविष्यति । **अन्ये** उक्तेभ्यः । **पुनः** तु । **वाहन**मश्वादि । **बीजं** धान्यं । देवता च पिता च तयोश्चरणान् । **दत्तानि** भूम्यादीनि । **सुकृतानि** सदाचरणानि । 'स्पृशेदि' त्यस्य सर्वत्रान्वयः । **सह्येषु** सहनयोग्येषु । स्वल्पेष्विति यावत् । **कोशपानं** कोशस्य जलविशेषस्य भक्षणम् ।

ननु तुलादीनां दिव्यत्वमुक्तं मूलादौ । सत्यादीनां तु शपथत्वमुक्तं **नारदेन ।** तदयुक्तम् । तेषामपि दिव्यलक्षणाक्रांतत्वादित्याशंकते । **यद्यपीति ।** दिव्यलक्षणमाह । **मानुषेति । अनिर्णेयस्यं** अर्थस्य । 'लोके' त्यनेन शास्त्रोक्तत्वव्यवच्छेदः । उक्तलक्षणं दिव्यं द्विविधम् । तत्काल**निर्णायकं** कालांतरनिर्णायकं च । तत्राद्यं तुलादि ' द्वितीयं सत्यादि । तत्राद्यस्य नामांतरत्वेऽपि द्वितीयस्यै नामांतरं शपथ इति । एवं सति भेदेनोक्तिर्विशेषधर्मनिमित्तकेत्याशयेन समाधत्ते । **तथापीति ।** ' निर्णयनिमित्ते'त्यादिः षष्ठीतत्पुरुषः । गोबलीवर्दन्यायस्यासत्वादाह । **ब्राह्मणेति ।** 'ब्राह्मणानामंत्रयस्व' इत्युक्त्यैव तत्वस्य तत्राविशिष्टत्वात्तदामंत्रणेऽपि प्राप्ते पुनः ' परिव्राजकमामंत्रयस्वेति ' कथनं तत्प्राधान्यप्रतिपादनार्थं यथा तथा, तुलादीनां सत्यादीनां च दिव्यत्वे तुल्येऽपि ततस्तेषां भेदेन कथनं कालांतरनिर्णयनिमित्तत्वद्योतनार्थं इत्यर्थः । यथा तस्य तत्फलांतरानुरोधेनैवमत्रापीति यावत् । यद्वा 'ब्राह्मणानामंत्रय परिव्राजकं चे'त्युक्तप्रोक्तरीत्या सिद्धे पुनस्तदुक्त्या यथा तस्य तदन्यपरत्वं तथाऽत्रापीत्यर्थः ।

ननु यदि कालांतरनिर्णयनिमित्तानि शपथास्तर्हि कोशस्य सद्यो निर्णयनिमित्तेषु तुलादिषु पाठोऽनुपपन्नस्तस्य तदंतर्गतत्वादतः प्रागुक्तमनुसृत्यैवाह । **कोशस्य त्विति । विषत्वेन चेति** साम्ये हेतुः । **निमित्तत्वेनेति ।** ' घटादिसाम्यादि ' त्यनुषज्यते । ननु एवमपि तंडुलतप्तमाषयोः सद्यो निर्णयनिमित्तत्वेन मूले तुलादिषु पाठः स्मृत्यंतरवदुचितोऽत आह । **तंडुलेति । अल्पेति ।** अल्पाभियोगेत्यर्थः । नन्वैकरूप्यमेव सर्वत्रोचितं न तु क्वचित् किंचित्कृतं वैलक्षण्यं क्वचित् किंचित्कृतं साम्यमिति वैरूप्यमत आह । **संतोष्टव्यमिति ।** सिद्धस्य गतिश्चिंतनीयेति भावः । कोशस्याल्पशंकोभय-

१ ख–सर्वभितये । २ क–अपिचौर्यशंकेति । ३ प्रायश्चित्ताध्याये । ४ देवतापित्रोः । ५ क–युक्तलक्षणम् । ६ क–तत्काललक्षणामाकं । ७ ख–रूप्यमेव सर्वमेवात्रोचितम् । न तु कचित्कृतं वैलक्षण्यं कचित्कृतं साम्यमिति वै नामांतरं शपथ इति । ८ ङ–उक्ते प्रोक्तरीत्या ।

विषयत्वेऽपि तन्मात्राविषयकत्वाद्युक्तस्तेषु पाठ इति तात्पर्यम्। विशेषं वक्तुं प्रतिजानीते। **एतानि चेति**। चो वाक्यालंकारे। **ऋणादिष्विति**। ऋणादानादिरूपाष्टादशविवादेष्वित्यर्थः।

नन्विदमयुक्तं **पितामह**विरोधादित्याशंक्य प्रागुक्तरीत्यैव परिहरति। **यस्त्वित्यादि**। **स्थावरेष्विति**। विषयसप्तमी। सामंतेत्यग्रे स्फुटीभविष्यति। **व्याख्येयमिति**। स्थावरविवादेषु। नात्यंतिकादिव्यनिषेधार्थमिदम्। दृष्टप्रमाणाभावेऽनिर्णयप्रसंगात्। किंत्वर्थिनो दृष्टप्रमाणसत्वे प्रत्यर्थिनि दंडावष्टंभेन दिव्यमवलंबत्यपि दृष्टेनादृष्टेन वा निर्णय इति प्रागुक्तरीत्या प्राप्तविकल्पनिरासेन दिव्यनिषेधार्थम्। विवादांतरे तु विकल्प एवेति भावः। इदमेव ध्वनयन् स्थावरपदानर्थक्यमुक्तयुक्तेस्तुल्यत्वादर्थप्राप्तं परिहर्तुं शंकते। **नन्विति**। **विवेति**। स्थावरविषयान्येष्वपीत्यर्थः। **प्रमेति**। दिव्यान्यमानुषप्रमाणेत्यर्थः। **ऋणादिष्विति** विषयसप्तमी। **दंडेति**। दंडाङ्गीकारनिश्चयेनेत्यर्थः। अपिना तस्यापि समुच्चयः। ननु संभवतीति न्यायविरोधोऽत आह। **साक्षिणामिति**। **आशयो**ऽतःकरणम्। हेत्वंतरमाह। **दिव्यस्य चेति**। चोऽते योज्यः। हेत्वंतरमाह। **तल्लक्षणत्वादिति**। धर्मस्य वस्तुतत्वविषयकत्वाच्चेत्यर्थः। अत्र हेतौ मानमाह। **यथाहेति**। **तत्र** दिव्ये। **सत्ये** तद्रूपे। **साक्षिणि व्यवहारस्तु** तन्मात्रं तु। **दैवसाध्ये** तदेकसाध्ये। **पौरुषेयीं** क्रियां साक्षीरूपां। **नेत्यु**भयान्वयि। अयं च दोषसंभावनामात्रेण साक्ष्यादिनिषेधे न वास्तव इति बोध्यम्।

एवमन्यत्रोक्त्वा स्थावरेषु कथयन् स्थावरपदसार्थक्यं तत्राह। **स्थावरेष्विति**। **सामंतादिदृष्टेति**। तद्रूपदृष्टेत्यर्थः। नेत्युत्तरान्वयि। विकल्पेति। स्थावरेषु मानुषदिव्यप्रमाणयोर्न विकल्प इति विकल्पनिराकरणार्थः स्थावरशब्द इति भावः। **आत्यंतिकेति** सर्वथेत्याह। निषेधे हेतुमाह। **लिखितेति**॥

याज्ञवल्कीये ९७ श्लोकः।

किंचेति। दिव्यस्य कालाद्युच्यते इत्यर्थः। **सचैलस्नानमिति** बहुव्रीहिः। 'सचैलं स्नानमिति' पाठांतरम्। भूतप्रत्ययादिसूचितमाह। **पूर्वेद्युरिति**। अर्धबिंबनिरासायाह। **उदित इति**। सूर्योदय इति। बहुव्रीहिरिति भावः। ब्राह्मणपदार्थमेवाह। **सभ्यानां चेति**। नृपस्योक्तत्वेनार्थादाह। **प्राडिति**। अत्रोपोषित इति सामान्येनोक्तावपि **पितामहोक्तं** विशेषमाह। **त्रिरात्रोपोषीति**। **शुचये** कृतस्नानाय। **आर्द्रवाससे** सचैलस्नानाय। त्रिरात्रोपोषितायाथवा एकरात्रोषिताय नित्यमवश्यं दिव्यानि देयानि स्युरित्यर्थः। नित्यमित्यनेनादाने प्रत्यवायः सूचितः। त्रिरात्रोपोषितायैव ह्येकेति पाठांतरम्। 'एकरात्रोपोषिताय त्रिरात्रोपोषिताय वेति' **मयूखादि**धृतपाठस्तु। मुनिशैलीविरुद्धत्वादुपेक्ष्यः। ननु 'बलवदिति' न युक्तं, कार्यतारतम्येऽपि तथापत्तेरत आह। **महेति**। विशेषमाहोपेति। **चे**नार्द्रवासस्त्वादिसमुच्चयः। तदाह **नारदः**।

" प्राड्विवाकस्ततो विप्रो वेदवेदांगपारगः। श्रुतवृत्तोपसंपन्नः शांतचित्तो विमत्सरः "
" सत्यसंधः शुचिर्दक्षः सर्वप्राणिहिते रतः। उपोषितश्चार्द्रवासाः कृतदंतानुधावनः "
" सर्वासां देवतानां च पूजां कृत्वा यथाविधि ' इति "

शिष्टेति। वस्तुतस्तु सूर्यस्य तद्वारस्योदयो यत्रेति, सूर्यस्तद्वारः उदये अर्थाद्रवेरिति वा अर्थ इति स्मार्तमपीदमिति बोध्यम्। **तत्रापि** भानुवारेऽपि। विशेष इत्यत्रान्वयः। ' दिवसस्ये ' त्यस्य

१ ख-प्रमाणत्वे।

सर्वत्र संबंधः । स्पष्टार्थं विषान्यदिव्यमात्रे दिवसस्य प्राधान्यसूचनार्थमिदं विशेषणम् । **सुशीतले** इति हेतुगर्भं यामविशेषणं । ' तु शितले ' इति पाठांतरम् । ' सुशीतलमिति ' पाठस्त्वयुक्तः । विशेषमाह । **अनुक्तेति**। एतेन न्यूनता निरस्ता । कालस्योक्तत्वदाह । **वेलेति** । प्रभृतिशब्देन फालादिग्रहणम् । **पूर्वाह्णे इति** । 'अहोरात्रोषिते स्नाते त्वार्द्रवासासि मानवे' इत्यस्य पूर्वार्द्धम् । पूर्वाह्णादीनामनेकत्वादाह । **अहनीति** ।

पितामहोक्तमेव विशेषांतरमाह । **तथेति** । मासादिरित्यर्थः । **मुखेन** तदुभयद्वारा । **विधीति** । तत्रेत्यादिः । बहुव्रीहिः । एवमग्रेऽपि । ' शिशिरहेमंतावि ' त्यार्षम् । ' ऋतुनक्षत्राणामानुपूर्व्येणेत्युक्तेः । एवं शरत् ग्रीष्मे इत्यापि बोध्यम् । अत एवाग्रे तथैव प्रयोगद्वयं अंत्ये समाहारद्वंद्वः । ' वर्षाण्येवेति ' **कल्पतरु**धृतोऽपपाठः । तस्य स्त्रीत्वात् । ' प्रकीर्तित ' इति पाठे ' काल ' इत्यस्य विशेष्यत्वं बोध्यम् । ' यो यस्य विहितः कालो विधिर्यस्य च यो यथा । तं प्रवक्ष्यामि तत्वेन वादिनश्च बलाबलमिती'तः प्रागुक्तेः । अत एव ' अग्निः शिशिरहेमंतवर्षासु परिकीर्तितः ' इति **मयूख**धृतपाठोऽप्ययुक्तः । **कोशास्त्विति** । अस्य स्थाने । ' धटः सर्वर्तुकः प्रोक्तो वाते वाति विवर्जयेदिति ' पाठः **कल्पतर्वादौ** । इदं **नारदीय**मिति केचित् ।

एवमन्यत्रोक्तं स्थावरेषु कथयन् स्थावरपदसार्थक्यं तत्राह । **स्थावरेष्विति** । **इष्टेति** । तद्रूपदष्टेत्यर्थः । नेत्युत्तरान्वायि । **विकल्पेति** ।

न्यूनतां निराचष्टे । **कोशेति** । चतुर्णां दिव्यानां प्रत्येकमुक्तत्वात्तन्मध्यपाठसत्वादिति भावः । तत्रापाठात् भेदेनाह । **तंडुलेति** । अत एव **पुन**स्त्वर्थे । **विशेषेति** । अग्न्यादेरिवेति भावः । शंकाविषयतया सहपाठाच्चेत्यपि बोध्यम् । तप्तमाषादेस्तु चैत्रादिरेव काल इति बोध्यम् ।

द्वितीयमाह **प्रतीति** । **न शीते इति** । " विचार्यं धर्मनिपुणैर्धर्मशास्त्रविशारदैः । धर्मसर्वर्तुकं प्रोक्तं पंडितैर्धटधारणम् ॥ वर्षासु समये वह्निर्हेमंते शिशिरे तथा । ग्रीष्मे सलिलमित्युक्तं विषं काले तु शीतले " इति प्राक् **नारदोक्तिः** । **प्रवाते** प्रकृष्टे वाते सति । ' न मध्याह्ने ' इति निषेधो जलान्यपरः । अतः प्रागुक्त**पितामह**विरोधो न । विध्येकवाक्यतायै विरोधनिरासाय चाह । **न शीते इत्यादि** । **हेमंतेति** । मार्गशीर्षान्येत्यादिः । **उष्णकालशब्देन च** उष्णकालशब्देनापि **ग्रीष्मशरदोः** ग्रहणमित्यनुषज्यते । एवं प्रावृट्शब्दो ग्रीष्मशरदोरप्युपलक्षणामिति बोध्यम् । " अव्यवस्थितमर्यादं विषं प्रावृषि जायते " इति **पितामहः** ।

ननु ग्रीष्मादिकालविधेरेवान्यकालनिवृत्तौ सत्यां पुनर्निषेधोऽफलोऽत आह । **विधानेति** । निषेधविषयकालस्येत्यर्थः । यथाश्रुतेऽनुपपत्तिः स्पष्टैव । **ज्योतिःशास्त्रे** विशेष उक्तः—

" सिंहस्थे मकरस्थे च जीवे चास्तमिते तथा । मलमासे न कर्तव्या परीक्षा जयकांक्षिणा ॥
" रविशुद्धौ गुरौ चैव न शुक्रेऽस्तं गते पुनः । सिंहस्थे च रवौ नैव परीक्षा शस्यते बुधैः ॥
" नाष्टम्यां न चतुर्दश्यां प्रायश्चित्तपरीक्षणम् । न परीक्षाधिवासश्च शनिभौमदिने भवेत् ॥

१ व्या. बार्तिकं । २ नारदीये अ० १ श्लो० २६८ । ३ क–विचार्यं धर्मम् । ४ ' वर्षासु वह्निर्घटं स्मृतः' । ५ अ. १ श्लो. २५४ ॥ ६ ख–न परीक्षा विवाहश्च ॥

" नो शुक्रास्तेऽष्टमार्के गुरुसहितरवौ जन्ममासेऽष्टमेंदा—
विष्टौ मासे मलाख्ये कुजशनिदिवसे जन्मतारासु चाथ।
नाडीनक्षत्रहीने गुरुरविरजनीनाथताराविशुद्धौ
प्रातः कार्या परीक्षा द्वितनुचरग्रहांशोदये शस्तलग्ने " इति।

वक्ष्यत इति अनुपदमेव कांलातरे त्वित्यादिना।

याज्ञवल्कीये ९८ श्लोकः।

अधीति वर्णादीत्यर्थः। तथोक्तिस्वारस्यादाह। **स्त्रीमात्रमिति** मात्रार्थं यावत्त्वं विशद्यति। **जातीति**। एवमग्रेऽपि। ब्राह्मणीत्वादिर्जातिर्वर्षादिर्वयः तत्कृता एवावस्थाः। बाल्यादयः। **नेत्रेति**। लोकप्रसिद्ध्यानुरोधेनेदम्। यथा तु भाष्यं तथा आह। पूर्णेत्यादिः। महाभियोगेषु सावष्टंभेषु प्रागुक्तवाक्येभ्यः सर्वेषां प्राप्तिराह। **तुलैवेतीति**। तृतीयपादार्धं व्याचष्टे। **अग्निरिति**। पूर्ववदनियमेन एवासंबंधात्स्मृत्यंतरानुरोधाच्चेदमुपलक्षणमित्याह। **फाल इति**। अवशिष्टार्थमाह। **जलमिति**। ननु 'जलं वे' त्यस्य जलमेवेति कथमर्थोऽत आह। **वाशब्द इति**। " वा स्याद्विकल्पो समयोरेवार्थापि समुच्चये " इति कोशात्। एतस्याग्रेऽप्यन्वयो बोध्यः। अत एव 'सप्तैवे' त्युक्तिरग्रे।

अवशिष्टं व्याचष्टे। **विषस्येति**। **उक्तेति**। पूर्वाध्यायान्ते इति भावः। नन्वग्निजलविषाणां श्रोतानां श्रौतशूद्रे एव विकल्पोऽस्तु किमित्यश्रौतक्षत्रवैश्यविषयतास्वीकारोऽत आह। **ब्राह्मणस्येति**। **युक्तमिति**। पारिशेष्यादिति। अन्यथा न्यूनतापत्तेः। एकस्य वाशब्दस्य आधिक्यात् स्मृत्यंतरानुरोधाच्चेति भावः। एतेन 'विषस्य चेति' क्वाचित्कः पाठः प्रयुक्तः। एतदेवाह। **एतदेवेति**। दापयेत् नृप इति शेषः। **नारदोऽप्येवम्**। गोरक्षकादिद्विजानामप्येवं बोध्यम्। तेषां तत्समत्वस्योक्तत्वात्।

विरोधं परिहरति। **यत्त्विति**। **नारदमाह**। **सत्रेति**। **भृशेति**। आतिशयिताधिग्रस्ताना मित्यर्थः। 'कृशार्तानामिति' पाठस्तु **कल्पतरौ** स्थितो न युक्तः पौनरुक्त्यापत्तेः। **अपेक्षित इति**। 'अपेक्ष्यत' इति द्वितीयः 'अवेक्ष्यत' इति त्रितीयः पाठः। **इतीति** विकल्पेति। इति पक्षप्राप्तदिव्येत्यर्थः।

ननु कथमनेन तन्निवृत्तिरत आह। **एतादिति**। स्त्र्यादीनामिति पूर्वान्वय्यपि। अन्यैः सहेति विशेषैः तत्र। वैपरीत्येऽप्याह **एतेषामिति**। स्त्र्यादीनामित्यर्थः। ननु स्त्र्यादीनामन्यैः सह तदभियोगे पक्षद्वयेऽपि तदन्येषामेव दिव्यमित्यस्तु अन्यतरविकल्पः। तथापि तेषां मिथोऽभियोगे कथमत आह। **परस्परेति**। **विकल्प इति**। ऐच्छिकविकल्प इत्यर्थः। ननु दिव्यकर्तृविकल्पत्वाद्दिव्यविकल्पोऽप्यस्त्विति चेन्न। तस्य न्यायतः प्राप्तत्वेऽपि 'तुला स्त्रीति' वाक्येन नियामकेन बाधात्। **तत्रापीति**। दिव्यानां मध्येऽपीत्यर्थः। अनेन 'तुला स्त्रीति' मूलवचनेन। नायं नियमः सावष्टंभाभियोगे एव किं त्वन्यत्रापीत्याह। **तथेति**। अयं समुच्चये न सादृश्ये। तत् शंकाभियोगे सर्वथा सावष्टंभाभियोगसाम्याभावात्। तुलानियमसाम्यमात्राशयको वा तथाशब्दः। नियम्यते इत्यस्यानुषंगः।

नन्वेवं तुलानियमस्य स्त्रीणां सार्वकालिकत्वापत्तिस्तस्याप्यनेन बाधादत आह। **एतच्चेति**। स्त्रीबालेत्यादिमूलवाक्यं चेत्यर्थः। अर्थवदित्यत्रान्वयः। मासक्रमस्याविवक्षितत्वादाह। **मार्गेति**।

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१ ख–तथाऽपूर्णे त्यादिः। २ क–शेषः। ३ ङ–भावाशयको।

अयमकारांतः शब्दः । **अर्थवत्** । सफलं संभावितम् । अन्यथासार्थक्यं निराचष्टे । **न चेति** । न त्वित्यर्थः । **तुलैवेतीति** । नियामकतयादेरनुषंगः । **नारदमाह** । **स्त्रीणां त्विति** । " क्लीबान्नरान् सत्वहीनान् परितश्चार्दितांतरान् । बालवृद्धातुरांस्त्रीश्च परीक्षेत घटे सदे ॥ " त्यस्य पूर्वपद्यम् । **अतः** यतो निषेधस्तयोरत इत्यर्थः । ' अंतस्तत्त्वमिति ' पाठे अन्तरं वस्तुतत्व-मित्यर्थः । **आदि**संग्राह्यमाह । **अन्यादिभिरिति** । आदिना तंडुलादिः ।

वर्णविषये विशेषमाह । **तथेति** । उक्तं सर्वमुपसंहरति स्पष्टार्थम् । **तस्मादिति** । चैत्रादि-मासत्रये इत्यर्थः । **बहुदिव्येति** । पात्रादित्वात् स्त्रीत्वेन । **इदं वचनमिति** । ' स्त्री बाले ' त्यादिमूलवाक्यमित्यर्थः । एवव्यवच्छेद्यं दर्शयन् 'प्रयोजनं तु वक्ष्यत ' इति प्रागुक्तं प्रयोजनं दर्शयति । **कालांतरे त्वित्यादि** । **सलिलमेवेति** । सर्वेषां इति भावः । अयं च कालविशेषेऽग्न्यादिनियमः कुष्ठाद्यनुपेतविषय इति विशेषांतरमाह । **येषां त्विति** । **अपिना** साधारणकालसमुच्चयः । वर्णाद्याशयेनाह । **तुलाद्येवेति** । किंच स बलिष्ठविषयक इत्याह । **तथेति** । **दुर्बलाना-मपीति** । अग्न्यादीत्यादेरनुषंगः । उक्तं प्रयोजनमुपसंहरति । **सर्वथाऽपीति** । ' विधिप्रतिषेधा-द्दतुकालानतिक्रमणेति ' पाठः ॥ ९८ ॥

याज्ञवल्कीये ९९ श्लोकः ।

व्यवहितसंगतिमाह । **महेति** । **तत्र** महाभियोगेषु । प्राग्वदाह । **पणेति** । ' आङ् मैर्या-दायामि'त्याह । **अर्वागिति** । **फालमिति** । सादृश्यात् अग्निमित्यर्थः । तस्य मूलकृर्तोऽनेनैवो-क्तत्वात् तथैव । वाच्ये एवमुक्तिस्तु तस्यापि प्रसंगतोऽभिमतत्वं सूचनाय एकेनैवेष्टसिद्धावाधिकं स्पष्टार्थ-मिति । सूचयितुमाह । **नेति** । ' हरोदि ' त्यस्यांतर्भावितण्यर्थतया लक्ष्यार्थमाह । **न कारयेदिति** । न्यूनतानिरासाय आह । **मध्येति** । अग्नेस्तु फालत्वेनैव ग्रहणसंभवस्थोक्तत्वादाह । **जलमिति** । ' तुलाग्न्याप ' इत्यत्र तुलाविषयोर्मध्ये स्थितत्वात्तस्यापि तत्वमित्यर्थः । नेत्यादेरनुषंगः । **यथोक्त-मिति** । **पितामहे**नैवेति भावः । **अत्र** ' नासहस्रादि'त्यत्र तदेकवाक्यतापत्तेः । **अग्नेति** । न ग्रहणमित्यर्थः । **अल्पेऽपीति** । तथा चैतेषां गुरुष्वेवेत्यादिनियमात्तस्य असाधारण्याद्वैलक्षण्येना-ग्रहणमिति भावः । तमेव नियमं फलितमाह । **एतानि चत्वारीति** । तुलाग्निजलविषाणीत्यर्थः । संज्ञायाः प्रागुक्तत्वादाहे । **पणेति** । **सहस्रादिति** । अभिव्याप्तौ । आङ्योगे पंचमी । तमभिव्याप्येत्यर्थः । तत्र अग्रिमनिरासाय ' अर्वागिति ' शेषव्याख्याने उक्तः । तथा च व्युत्क्रमः सूचितः । तदाह । **सहस्रादूर्ध्वमेवेति** । **नार्वागिति** । तदूर्ध्वतो नार्वागित्यर्थः । अत एव सहस्रैरपि न इत्याशयेनाह । **नन्विति** । **अर्वागपीति** । ऊर्ध्वत एव अर्वागपीत्यर्थः । **आयसं** फालम् **तत्र** विरोधे सति । **यत् द्रव्येति** । सुवर्णेत्यर्थः । तथा सति फलितम् विशेषमाह । **एतच्चेति** । ' नासहस्रादिति ' मौलं ' सहस्रे त्विति ' **पैतामहं** चेत्यर्थः । **स्तेयेति** । स्तेयसाहसो-भयविषयमित्यर्थः । ननु **कल्पतरुणा**-' नासहस्रादिति वाक्यं ' पणसहस्रादूर्ध्वं नैवापह्नवे फालादिक्रिये-त्वेवमपह्नवविषयतया व्याख्यातमिति तथैव कुतो नोक्तमिति चेन्न । उपस्थितपूर्वोक्तसंगतिसंभवेऽनुप-

१ क-ख-अन्यतराविकल्पः । २ पृ. ५९ पं. २२॥ ३ ख-तत्र महाभियोगेषु पंच ङ-पंचम्युपपत्तये आह । अर्वागिति । ४ ङ-नैवोक्तत्वात् । ५ पूर्णेति' पणसहस्रमारभ्यैवेत्यर्थः । तदाह नार्वागिति । विरोधमाह । नन्विति । आदिना तदादि समुच्चयः । अग्न्यादीनि । ६ ' पंचम्यपाङ परिभिः ' व्या. सू. (२।३।१०) । ७ उद्धामेवापन्हवे ८ ख-फालादिक्रियेत्यर्थः ।

स्थितपरतया व्याख्यानस्यानौचित्यात् । तथा च स विषयो मूले नोक्त एव तदेतत् ध्वनयन्नाह । **अपह्नवे त्विति । प्रमाणम्** । अपन्हुतद्रव्यानुसारेण दिव्यानि । **स्तेयेति ।** अत्र ब्राह्मणवसिष्ठन्यायेन स्तेयान्यसाहसपरं साहसपदम् । **स्वल्पेऽप्यर्थ इति ।** आपिना महतः समुच्चयः । तत्प्रकारमेवाह । **सर्वेति । युक्तं** तत्संबद्धं नासंबद्धं तत्तुल्यमिति यावत् । **ज्ञात्वा संख्यामिति ।** पूर्वान्वयि । **संख्या** प्रमाणम् । सुवर्णानामित्यस्य मध्यमणिन्यायेनान्वयः । **चत्वारिंशतीति ।** तत्संख्याकेषु सुवर्णेषु अपन्हुतेष्वित्यर्थः । **विंशेति ।** विंशतिः प्रमाणमस्येति विंशम् । तच्च दश च तेषां विनाशे इत्यर्थः । 'विंशद्दशेति 'पाठातरम् ।' विंशतिदशेति ' त्रितीय पाठः । पंचार्धिकस्येति पाठः । पंचैवार्धम्—स्वार्थे ठक्—तस्येत्यर्थः । पूर्वान्वयीदम् । वाशब्दस्वारस्यात् । 'तदर्धे'त्यत्र तच्छब्देन दश परामृश्यंते । 'तत' इत्यनेन पंच । अग्रे 'तत' इत्यनेन पूर्वतदर्धार्धम् । **लौकिक्यः** लोकभवाः । अन्ये शपथादयः । **विचारयन् ।** तत्पूर्वकं कुर्वन्नित्यर्थः । **कल्पतरौ** तु पाठांतरम् । 'प्रयोजयेत् ' इति—अग्रे

" शते विषं तु पादोने हुतभुक् तत्र दृश्यते ॥ आपस्त्रिभागहीने तु शस्तार्द्धे तु तुला स्मृता । "
" कोशपानं तदर्धे वा दशपंचकसप्तसु । तदर्धे तंडुला देयास्तदर्धे तप्तमाषकः " इति ।

शते सुवर्णस्येति शेषः । **वृद्धकात्यायनः**—

" ज्ञात्वा संख्यां सुवर्णस्य शतनाशे विषं स्मृतम् । अशीतेस्तु विनाशे तु दद्याच्चैव हुताशनम् ।
"षष्ठ्या नाशे जलं ज्ञेयं स्याच्चत्वारिंशतो धटम् । त्रिंशद्दशविनाशे तु कोशपानं **बृहस्पतिः ।**
"पंचार्धिकस्य वा नाशे तदर्धस्य च तंडुलाः " ॥ पंचार्धिकस्य पंचार्धं सार्धद्वयं इति ।

महत्त्वसंपत्तये आह । **ज्ञात्वेति ।** तत्पदस्वारस्यात् । नन्वत्र नाशपदोक्त्या कथमस्यापह्नवविषयत्वमित्यत आह । **नाशेति ।** मिथोऽनयोर्विरोधं परिहरति । **नासहस्रादिति ।**

अन्योऽपि विशेषः **कात्यायनेनोक्तः ।** ' देशकालविरोधे तु यथायुक्तं प्रकल्पयेत् । अन्येन हारयेद्दिव्यं विधिरेष विपर्यय ' इति ॥ हा **हारयेत्** कारयेत् । **विपर्यये इति ।** दिव्यकारिणोऽभियुक्तस्यासामर्थ्ये । ' कालदिव्यविरोधे तु यथायुक्तं विरोधयेत् । अन्येन हारयेद्दिव्यं विधिरेष विवर्जयेदिति ' **कल्पतरौ** पाठः । अत एव महापातक्यादीनामन्याद्वारा दिव्यमाह । स एव—

" मातापितृद्विजगुरुबालस्त्रीराजघातिनाम् । महापातकयुक्तानां नास्तिकानां विशेषतः ॥
" लिंगिनां प्रसवानां तु मात्रयोगक्रियाविदाम् । वर्णसंकरजातीनां पापाभ्यासप्रवर्तिनाम् ॥
" ऐतेष्वेवाभियोगेषु निंद्येष्वेवं प्रयत्नतः । दिव्यं प्रकल्पयेन्नैव राजा धर्मपरायणः ॥
" ऐतैरपि नियुक्तानां साधूनां दिव्यमर्हति । नेच्छंति साधवो यत्र तत्र शोध्यः स्वकैर्नरः ॥ इति ।"

तथा च दिव्यकारिणोऽशक्तौ प्रतिनिधिः ' विपर्यये ' इत्यंतेनोक्तः । **अन्येन हारयेत् ।** प्रतिनिधिना कारयेत् । मातापित्रित्यादिना पूर्वं पित्रादिघातादिमहापापं न कृतमिति निश्चये कालांतरे चार्थांतरसंदेहेऽपि प्रतिनिधिद्वारैव द्विव्यमुक्तम् । ' वृद्धस्त्रीबालेतिपाठांतरम् । ' प्रमदानां ' चेति । तथा नेच्छंतीति अत्र न ' संतीति ' । तथा ' तत्र शोध्याः स्वकैर्नर ' इत्यत्र स्वकैर्नरैरिति । **स्वकैः** आप्तैः ।

१ ङ—तर्ध्दम् । २ क—दत्तेष्वेवाभियोगेषु । ३ ख—नित्येष्वेव । ४ ख—एतै रेव । ५ क—आप्तैः ।

'नृपार्थेष्वि' त्यस्य नृपोऽर्थो विषयो येषां द्रोहाणां तेष्वित्यर्थः । तदाह । **नृपद्रोहेष्विति ।** अभिशापे चेत्यस्य वास्तवे तत्रेत्यर्थः । तदाह । **महेति ।** सदेति व्याचष्टे । **द्रव्येति ।** प्रक्रांतत्वादाह । **एतानीति ।** शुचित्वं तत्र निमित्तमित्याह । **उपेति । आदिना** स्नानादिपरिग्रहः । विशेषमाह । **तथेति ।** सभा च राजगृहद्वारं च देवायतनं च चत्वरश्चेति समाहारद्वंद्वः । व्यस्तपाठे तत्र द्वंद्वद्वयम् । **कुलं** गृहम् । **चत्वर**श्चतुष्पथः । साकांक्षात्वात्प्रकृतमाह । **घट इति ।** चस्त्वर्थे उक्तदेशानामिति भावः । **इंद्रस्थान**मिंद्रप्रतिमा यत्र तत्रेत्यर्थ इति केचित् । 'इंद्रध्वजयूथस्थानमिति' **कल्पतरुः ।** 'इंद्रध्वजपूजास्थानमित्यन्ये:' । इंद्रस्य परेश्वरस्य स्थानम् । तत्रेति स्वयं । 'अभीत्यस्यैव' व्याख्या **महेति ।** चस्त्वर्थे । तथापाठ एव वा । 'दिव्यमि' त्यस्यानुषंगः । विषयसप्तमी च । देशव्यवस्थामुक्त्वा दिव्यव्यवस्थामाह । **अस्पृश्येति ।** अस्पृश्याश्चंडालादयः । अधमाः शूद्रादयः। **न तु** न हि । **तत्प्रसिद्धानि** घटसर्पादीनि । **नारदः** (अ१-२५५।३१३-३१५)

"नार्तानां तोयशुद्धिः स्यान्न विषं पित्तरोगिणाम् । श्वित्र्यंधकुनखादीनां नाग्निकर्म विधीयते ॥
"न मज्जनीयाः स्त्रीबाला धर्मशास्त्रविचक्षणैः । रोगिणो ये च वृद्धाः स्युः पुमांसो ये च दुर्बलाः॥
"निरुत्साहान्व्याधिक्लिष्टांस्तांस्तोये न निमज्जयेत् । सद्यो म्रियंते मज्जंतः स्वल्पप्राणा हि ते स्मृताः ॥
"साहसेऽप्यागतानेतान्नैव तोये निमज्जयेत् । न चापि हारयेदग्निं न विषेण विशोधयेत् ॥"

विष्णुः

"नश्लेष्मिकव्याधितानां भीरूणां श्वासकासिनाम् । न लोहशिल्पिनामग्निः सलिलं नांबुसेविनाम्॥"
"मंत्रयोगविदां चैव विषं दद्यात्तु न क्वचित् । तंडुलैनाभियुञ्जीत व्रतिनं मुखरोगिणम् ॥"

व्रती पयोव्रतादिमान् । **पितामहः**

"मद्यपस्त्रीव्यसनिनां कितवानां तथैव च । कोशः प्राज्ञैर्न दातव्यो ये च नास्तिकवृत्तयः ॥"

नारदः ।(१।३३२)

"महापराधे निर्धर्मे कृतघ्ने क्लीबकुत्सिते। नास्तिके दृष्टदोषे च कोशदानं विवर्जयेत् ॥"

नारदबृहस्पतिकात्यायनाः—

"यथोक्तविधिना नेयं[1] दिव्यं दिव्यविशारदैः । अयथोक्तं प्रदत्तं च न दत्तं साध्यसाधने ॥
"अदेशकालदत्तानि बहिर्वादिकृतानि च । व्यभिचारं सदार्थेषु कुर्वंतीह न संशयः ॥"

वादिनमभियोक्ता बहिर्वादी ॥ **मातृकेति ।** परिभाषेत्यर्थः ॥ ९९ ॥ ॥ इति दिव्योपोद्घातः ॥

संगतिमाह । **एवमिति । मातृकां** तत्परिभाषाम् । **प्रयोगमिति ।** तावत्सर्वसाधारणमित्यर्थः । यद्वा 'जातावेकवचनं' । प्रयोगानित्यर्थः ।

याज्ञवल्कीये १००।१०१।१०२ श्लोकाः ।

'क्रमेणे'त्यादिः । ईदृशोऽवतारितः प्राड्विवाककृत्योत्तरम् । **इति** अनेन मंत्रेण । तुलामभिमंत्रयेदित्यन्वय इत्याह । **तुलाया इत्यादिना** । तृतीयांतस्य व्यवहितान्वयं

१ ख-देयम् ।

इत्याह । **तैः प्रतीति** । अंतर्भावितण्यर्थत्वेनाह । **समीकृत इति** । इदमुक्तरीत्योपलक्षणमित्याह । **अभियोक्ता वेति** । तात्पर्यार्थमाह । **दिव्येति** । **रेखामिति** । 'लेखामिति' पाठांतरम् । किंचिच्चिह्नविशेषामित्यर्थः । तमेवाह । **येनेति** । **पांड्विति** । अपक्वलेखेनेत्यर्थः । 'खडीति' षाणप्रसिद्धः । 'अभी'त्यस्य व्याख्या **प्रार्थेति** । इतीत्यस्यार्थमाह । **अनेन मंत्रेणेति** । त्वमित्यादि मामित्यंतेनेत्यर्थः । तदर्थमाह । **हे इत्यादि** । धामार्थः । **स्थानमिति** । तदित्यस्य व्याख्या **तस्मादिति** । सत्यमित्यस्यार्थः **संदिग्धेति** । भाषणासंभवादाह । **दर्शयेति** । प्रकृतत्वादाह । **अस्मादिति** । अस्मीत्युक्तेरध्याहारेण तस्य तदर्थाव्ययत्वेन वाऽऽह । **अहमिति** । प्राग्वदाह । **असत्येति** । एवमग्रेऽपि । निपातानामनेकार्थत्वात् चेदर्थमाह । **अथेति** । 'मामस्मी' त्युक्तिस्वारस्यादस्याप्रवृत्तेराह । **प्राड्विति** । धर्माधिकारिण इत्यर्थः । इदमनुपदमेव स्फुटीभविष्यति । न्यूनतां निराचष्टे । **जयेति** । तयोः स्वरूपे इत्यर्थः । जातावेकवचनं । **लिंगमूर्ध्वगमनादिकम्** । एतदर्थमेवाह । **घटेत्यादिना** । **पुन**स्त्वर्थे । आरोहणादीति **आदिना**ऽवतारणम् । **नारदादीति आदिना व्यासादि**परिग्रहः ।

तत्रादौ **पितामहमाह** । **छित्वा त्वित्यादिना** । **यज्ञियं** खदिरादिकम् । **मंत्रेति** । 'ओषधे त्रायस्वैनमि' त्यादि मंत्रपूर्वकं इत्यर्थः । छेदनक्रियाविशेषणमिदं । 'यूपवदि'त्यस्य'तुला कार्ये' त्यत्रान्वयः । 'यूपवदि' त्यतिदेशसिद्धम् 'मंत्रव'दित्युक्तमेवानुवदति । **मंत्र इति** । **वानस्पत्यच्छेदने इति** समस्तम् । तच्छेदनकाले सोमदेवताकः । "सोमो धेनुं सोमो अर्वंतमि" त्यादिमंत्रो जप्य एवेत्यर्थः । व्यस्तः पाठे वाचस्पत्यो मंत्रो "वनस्पते शतवल्शो विरोहेति" । अनयोर्जपमंत्रत्वेनादृष्टार्थत्वात्समुच्चयः । **चो** भिन्नक्रमः । **छेदने** तुलाकाष्ठच्छेदने । स स च जप्य एवेत्यर्थ इत्यन्ये । तुलास्वरूपमाह । **चतुरस्रेति** । **त्रिषु** पार्श्वद्वये मध्ये **च** । तत्फलमाह । **अर्थवदिति** । क्रियाविशेषणमेतत्[1] । यथा तुलायाः सामर्थ्यं भवेत्तथा देयानीत्यर्थः । 'यत्नत' इति पाठांतरम् । तत्प्रमाणमाह । **चतुर्हस्तेति** । **भूमेरुपरि** ऊर्ध्वं । **तत्समौ** तुलासमौ । चतुर्हस्तौ पादौ कार्यावित्यर्थः । 'पादौ कार्यौ तथा विधाविति' पाठांतरम् । तयोः पादयोरन्तरं व्यवधानं तु **हस्तौ** हस्तद्वयपरिमितं भवेदित्यर्थः । च्वेरन्यत्रानियमान्नानुपपत्तिः । पक्षांतरमाह । **अध्यर्द्धमेव** वेति । सार्द्धहस्तं वेत्यर्थः । 'उपरी'त्येतत्सूचितमेवाह । **हस्तद्वयमिति** । उभयोरपि पादयोर्हस्तद्वयं हस्तचतुष्टयादवशिष्टं भूम्यंतः प्रवेशनीयमित्यर्थः । **तोरणे चेति** । तथेत्यनेन हस्तद्वयांतरालतोक्ता । भूमेरुपरि समता समागतैव । तदन्तनिखातस्तु यथासंभवः । अत एव विशेषमाह । **घटाविति** । तथ च तुलायाः पार्श्वद्वये हस्तद्वयांतरालं दाक्षिणोत्तरयोः स्तंभस्य द्वयं निखाय तयोरुपरि उत्तराग्रं काष्ठं देयम् । तदेतत्तोरणामिति बोध्यम् । तस्य फलं कथयन् तच्चावश्यं घटाद्दशांगुलोच्चामित्याह । **अवलंबाविति** । तोरणाभ्यां संबद्धौ । तदधः प्रदेशे लंबमानौ अधोमुखौ मृन्मयौ तद्गोलकरूपौ सूत्रसंबद्धौ घटमस्तकचुंबिनौ तुलाप्रांतद्वयोपरिभागस्पृशौ अवलंबौ तत्संज्ञकौ कार्यावित्यर्थः । 'घटमस्तकचुंबिताविति' पाठांतरे बहुव्रीहिः । सम्यग्ज्ञानार्थमेवावलंबद्वयकरणम् । एतत्फलमनुपदमेवाग्रे स्फुटीभविष्यति । 'स विज्ञेयः समो घटः' इति । तस्याः तदाधारदेशं चाह । **प्रागिति** । **कल्पयेत्** स्थापयेत् । आस्तरणमिदम् । **पश्चिमे** शिक्ये । **अन्य-**

१ ख–क्रियाविशेषणं चैतत् ।

स्मिन् पूर्वे । **शुभामिति** । इष्टकाभस्मपाषाणकपालास्थिदुर्गंधादिविवर्जितामित्यर्थः । **पिटकं** शिक्यम् । **तस्मिन्** उपविष्टे सति । चयनीयत्वेनाभ्यर्हितत्वात्पूर्वनिपातः। समुच्चयफलाभावात् तुल्यार्थत्वाच्चाह । **अत्र चेति** । "मृत्तिकेत्येव सत्य" मिति श्रुतेः । उक्तक्रमादाह । **मृत्तीति** ।

परीक्षाप्रकारमाह । **परीति** । **पश्चादिति** । 'तस्मादिति' पाठांतरम् । **पताकेति** । पताकासहितध्वजशोभितमित्यर्थः । अल्पत्वमहत्त्वकृतोऽनयोर्भेदः । एवमग्रेऽपि । 'परित' इति भावः । **मंत्रवित्** । 'धर्मविदिति' पाठांतरम् । तृतीयाद्वयमुपलक्षणे । **अनुलेपनं** स्नानचूर्णम् । 'अनेन विधिने' त्युक्तविधिमेवाह । **एह्येहीति** । अनेन प्रधानदेवतास्वरूपमपि कथितम् । **अस्मिन्** तुलाख्ये । वसवश्चादित्याश्च मरुतश्च गणाश्चेति द्वंद्वः । **अंगानि** लोकपालादीनि । तत्प्रकारमेवाह । **इंद्रादीन्** । एतेषां ध्ययरूपाण्याहेंद्र **इत्यादि** । **भागे इति** । पार्श्वे 'वसूनावाहयेदिति' पाठांतरम् । तेषां संख्यामाह । **धर इति** । **देवेश** इंद्रः । **तथा**ऽर्चनं 'तथाऽयनमिति' पाठांतरम् । प्राग्वदाह । **धातेति** । 'वरुणोंश' इति पाठः । अन्योऽपपाठः । **अजघेत्यादि** । क्रमादुभयविशेषणम् । गणपदार्थानाह । **अग्नेरित्यादिः** । **अयनं** स्थानम् । तानाह । **वीरेति** । अत्र 'महायशा इति । गिरिशविशेषणम् । 'विशांपतिरिति' कपालिविशेषणम् । 'द्वौ विशौ वैश्यमनुजाविति' कोशः । **भगवानिति** भवविशेषणम् । 'भग' इति पाठांतरम् । क्रमस्य विवक्षितत्वात्प्रेतेशस्य पूर्वनिपातः । **मातृस्थानमिति** समस्तपाठः । ता आह । **ब्राह्मीत्यादि** । **गणसंयुतेति** विशेषणं चामुंडायाः । तथा च सप्त बोध्याः । गणेश एक एव । **मरुतां** वायूनां । तानाह **गगन** इति । 'प्राणेशजीवावि' त्यार्षम् । च समुच्चेयमाह । **धटस्योत्तरेति** । पूजाक्रममाह । **भूषेति** - अर्घप्रभृत्यलंकारांतं क्रमेण धर्माय प्रधानदेवतायै दत्त्वा पश्चादिंद्रादीनां तथैव कुर्यादित्यर्थः । निवेद्यो नैवेद्यः । सर्वथोक्तक्रमेणेति भावः ।

अस्यार्थमाह । **अत्र चेति** । तुलाख्यदिव्यविषये इत्यर्थः । 'पूजाक्रम' इत्यत्रान्वयः । कांडानुसमयस्याभावादाह । **पदार्थेति** । तद्रीत्येत्यर्थः । गंधादौ विशेषमाह । **गंधेति** । **शिष्टान्** । शेषभूतानंगानिति यावत् । **अन्यैर्वा** । गंधपुष्पैः । **यथोक्तमिति** । **नारदेनेति** भावः । **ततः** तस्याः पताकाद्यलंकारविधानानंतरम् । **श्रुतं** वेदशास्त्रे । **वृत्तमाचरणम्** । **सत्यसंधः** सत्यसंकल्पः । **शुद्धवासाः** । आर्द्रवासा इति पाठांतरम् । अन्यदप्याह । **तथेति** । **यथाहेति** । **पितामह** इति शेषः । प्रतीति । 'चतुर्दिक्षु' इति पाठांतरम् । **तथेति**'समुच्चये । कथं कार्याकांक्षायाम् तत्र द्रव्याण्याह । **आज्येनेति** । उभयत्र इतरनिरासाय सामान्यनपुंसकत्वेन समिद्विशेषणं तथैव सार्थक्यं ध्वनयन्नाह । **होमेति** । एतत्रितयरूपहोमसाधनैरित्यर्थः फलितः । उत्तरार्धेऽन्वयः । अस्य मंत्रमाह । **सावित्र्येति** । अथशब्द आनन्तर्ये । **एवेन** तदभावव्यवच्छेदः । 'प्रणवेन' इत्यस्य मध्यमणिन्यायेनान्वयः । आदियुक्तत्वं तृतीयार्थः । तदाह । **प्रणवादीति** । अथार्थः **पुनरिति** । पश्चादित्यर्थः । **स्वाहेति** । 'वषट्कार' इत्यनेन सामान्यापेक्षज्ञापकेनायं साधुः प्रयोगः । प्रसिद्धत्वाद्धविःशब्दार्थमाह । **चरूनिति** । 'चर्वाज्यसमिध' इत्युचितम् । अत्राज्यहविःसमिधां संप्रतिपन्नदेवताकत्वात् मिलितानामेव होमे साम्नायय्योरिवेति कश्चित्तन्न । आज्ये स्रुवेणावद्यतीति स्रुवस्य चरौ सकृदुपस्तृणाति मध्यात् पूर्वार्धाच्च द्विर्हविषोऽवद्याति अभिघारयति हविरवत्तं

१ पृ. ६३ पं. ११ "तत आवाहयेद्देवान् ॥ २ उच्चैस्तरां वा वषट्कारः । व्या. सू. (१।२।३५)

चैषोऽवदानधर्म **इति आश्वलायना**दिसूत्रात् स्रुवः। समित्सु असामर्थ्याद्धस्तस्यैव तत्वात्। भिन्नसाधनकत्वात्तंत्रतानुपपत्तेः। सान्नाय्यहोमयोस्तु एव साधनत्वात्तंत्रता युक्ता। तदेतद्भनयन्नाह। **प्रत्येकमिति।**

अन्यदाह। **एवमिति। शोध्येति।** दिव्यकारिणः शिरसि बध्नीयादित्यर्थः। **यथाहेति। पितामह** इति शेषः। **यं चार्थमिति।** यदर्थकर्मकाभियोगविषयीकृतो दिव्यकारी स्यात् इत्यर्थः। **पितामहो**क्तमेव मंत्रमाह। **मंत्रश्चेति। आदित्येति।** अभ्यर्हितत्वात् पूर्वनिपातः। **यथोक्तमिति। पितामहेनेति** भावः। 'आदित्ये' त्यग्रिममिदं पद्यम्। **चे**नाग्रिमसर्वसमुच्चयः। **पितामह**मेवाह। **धटमिति। दर्शिताः** तेनैव। **धृतः** शुचौ देशेऽवस्थापितस्त्वं यस्मात् कुटिलं नरं भावयसे प्रतिपादयसि तेनेत्याद्यन्वयः। तमेवाह। **पुनरिति।** विशेषमाह। **आरोपितं चेति। तत्कालेति।** विनाडीपंचकेत्यर्थः। तमेवाह। **ज्योतिरिति।** ज्योतिःशास्त्रविदो ये ब्राह्मणास्तेषु श्रेष्ठ इत्यर्थः। पदत्रयमित्यन्ये। **परीक्षाकालेति।** कालस्य परीक्षा परीक्षाकालः। राजदंतादिः।[1] तत्र कोविदैरित्यर्थः। 'परीक्ष्या कालेति' पाठांतरम्। तैः परीक्ष्याः सत्य एव। विज्ञेया नान्यथेत्यर्थः। पंच **दशेति।** तथा च विनाडीशब्देन पलमुच्यते। **अहः खाग्निभिर्दीति।** 'अहोरात्रं त्रिंशतादिति' पाठांतरम्।

तस्मिन्निति। पलपंचकरूपे इत्यर्थः। **अलुब्धा** इति छेदः। **नृपे इति।** विषयसप्तमी। नृपं इति पाठांतरम्। **चोक्तमिति। नारदेने**ति शेषः। **स शुद्ध इति।** विशुद्धि इति पाठांतरम्। अत्र वृद्धिरूर्ध्वं गतिः। हानिरधोगतिः। अतो न पूर्वविरोधः। अत एवान्यविरोधं परिहराति। **यत्त्विति। न दिव्येनेति।** तथानियमाभावात्। **महत्त्वमिति।** इदं च शिरःस्थापितपत्रेणैवावगतामिति भावः। एवं चैतत्परं तत् न तत्परमिति न विरोध इति भावः। विशेषमाह। **यदा चेति। च**स्त्वर्थे। **अनुपेति** बहुव्रीहिः। छेदादिविशेषणम्। तमेवाह। **कक्ष्येति।** अस्पष्टत्वादिना भेदानाह। **कक्ष्यमिति।** धटस्य कर्कटाविति समासः। अन्यथा दोषापत्तेरित्याह। **कर्कटाविति। तुलांतयोः** संबद्धौ। तत्पदवाच्यत्वे बीजमाह **कर्कटेति।**

वैलक्षण्यादाह। **यदा त्विति।** तमेवाह। **शिक्यादीति।** अत एव 'शक्यमिति' व्याख्यातम्। व्यक्त्यभिप्रायं बहुवचनम्। अन्यथाऽनयोर्मिथो विरोधः स्पष्ट एवेति भावः। **व्यासोऽपि** "कक्ष्यच्छेदे तुलाभंगे धटकर्कटयोस्तथा। रज्जुच्छेदेऽक्षभंगे च दद्याच्छुद्धिं पुनर्नृप" इति। **कात्यायनोऽपि**– "शिक्यच्छेदे तुलाभंगे तथा वाऽपि गुणस्य वा। शुद्धेश्च संशयेनैव परीक्षेत पुनर्नरम्।" अनेन कारणांतरमप्युक्तम्। आवृत्तिस्तोलनमात्रस्य न सांगप्रयोगस्येति प्राच्याः। 'एवं तु वैगुण्यपापापरिहारात्सांगः प्रयोग आवर्तनीय' **इति मदनः।** अत्राद्यमेव मूलसंमतम्। शेषं **पितामहो**क्त्यैव पूरयितुं चूर्णिकामाह। **ततश्चेति।** दिव्यकारीत्यर्थः। उपसंहरति सः। **एवमिति। ब्रह्मभूयाय** ब्रह्मत्वाय। **इच्छाति** राजा। **पितामह**माह। **विशालामिति।** विस्तृतामित्यर्थः। **उच्छ्रितां** उन्नताम्। **यत्रस्थः** धटः। **तत्रैव** शालायामेव। एतान्[3] लोकपालादीन्। **कपाटबीजेति।** शाकपार्थिवादिः।[4] कपाटेत्यत्र अर्शआद्यच्। ततः कर्मधारयो वा। परमतात्पर्यमाह। **अशून्यामिति। व्रीह्यादीनाम्** व्रीह्यादीनीति पाठांतरम्॥ **इति धटविधिः**॥ १००॥ १०१॥ १०२॥

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१ 'राजदन्तादिषु परम्' [व्या. सू. २।२।३१] ३ क–एनान्। ४ कपाटयुक्तबजिम्। यथा शाकप्रियः पार्थिवः शाकपार्थिवः।

याज्ञवल्कीये १०३ श्लोकः ।

संगतिमाह । **इदानीं क्रमेति** । उद्देशक्रमेत्यर्थः। अत्र प्रागुक्तं सर्वं सामान्यमपेक्षितमित्याह । **दिव्येति** । पत्रारोपणांते च विधौ सतीति पाठः । **विधिः** प्रकारः । पत्रारोपणांतविध्यंते सत्ययमिति पाठांतरम् । 'लक्षे' त्यस्य व्याख्या **तिलकेति** । 'लक्षदर्शनांकयो' रिति धात्वर्थानुसारादाह । **अंकेति** । ' अंकयित्वेति ' तत्र पाठातरम् । ' हंसपदानीति ' पाठः । तदाकाराणि चिह्नानीत्यर्थः। तत इत्यस्य व्याख्याऽ**नंतरमिति** । पूर्वं द्विवचनस्यैव सत्वादाह । **हस्तयोरिति** । तत्र विशेषमाह । **अंजलीति** । **नारद**मेवाह । **पत्रैरिति** । तावदिति क्रियाविशेषणमित्याह । **तावदिति** । तात्पर्यार्थमाह । **सप्तेति** । तावतां सूत्राणां समाहारः तावत्सूत्रं, पात्रादिः । तेन तावत्सूत्रेण सप्तसूत्र्या सकृद्वेष्टयेदित्यर्थः इति **मदनः** । वेष्टनसंख्यामुक्त्वा तथैव च स्पष्टार्थं सूत्रस्य संख्यां वर्णं चाह । **सूत्राणि चेति** । अनेन वेष्टननिष्ठसंख्यारोपेण सप्त सूत्राणि चेत्यर्थः । विशेषमाह । **तथेति** । **नारद**मेवाह । **सप्तेति** । **अथ** समुच्चये । ' सप्ते' त्यस्योभयत्रान्वयः । अक्षतानां स्पष्टं द्वैविध्यमुक्तं अनेन । अत एव **दधि** दध्यक्षतान् । तथा च सर्वैकवाक्यता । 'आवेष्टित' मित्यत्र भावे क्तः । 'आवेष्टनमिति' पाठांतरम् । **सुमन इति** ' जातौ एकवचनमि ' त्याह । **पुष्पाणीति** । **पितामह**विरोधं मूलस्य निराचष्टे । **यदपीति** । अतुल्यार्थत्वेन विकल्पो नेति सूचयन्नाह । **अश्वत्थेति** । **पितामह**प्रेति । **पितामह**कर्तृके । तत्प्रशंसावचनेनेत्यर्थः । तदेवाह । **पिप्पलादिति** ।

याज्ञवल्कीये १०४ श्लोकः ।

कर्तुरिति । प्राड्विवाकस्य तु अग्रे वक्तव्यमिति भावः । ममेत्युक्तिरत्र बीजम् । सर्वपदोक्तेराह । **जरेत्यादि** । ' चरसी ' त्यस्य लक्ष्यार्थमाह । **उपयुक्तेति** । भुक्तादीत्यर्थः । साभिप्रायं विशेषणद्वयमित्याह । **पावकेत्यादि** । **साक्षिवत्** साक्षिणो यथा कथयंति । अनेनास्याग्रे एवान्वयो न पूर्वत्रापीति सूचितम् । यथाश्रुते पंचम्याद्यनुपपत्तेराह । **पुण्येति** । साक्ष्यनुरोधेन तथोक्तावपि प्रकृते तदर्थासंभवादाह । **दर्शयेत्यर्थ इति** । **ममेति** तु शेषत्वविवक्षायां षष्ठी । विशेषमाह । **अयःपिंडेति** । **तापैः** क्रियारूपैः । **अनेन** प्रागुक्तेन । तापत्रयफलमाह । **लोहेति** । **तृतीय इति** करणस्याधिकरणत्वविवक्षया सप्तमी । सत्यपुरस्कृतत्वमविवक्षितम्, किंतु तद्घटितत्वमात्रं विवक्षितमित्याह । **सत्यशब्दयुक्तमिति** । मंत्रो विशेष्य इत्याह । **त्वमिति** । अत्र सुरंजितत्वं अतिशयिततापकृतमेव । अत एव तस्य सस्फुलिंगत्वम् । ' सुरक्षितमिति ' पाठातरम् । " जात्यैव लोहकारो यः कुशलश्चाग्निकर्मणि । दृष्टप्रयोगश्चान्यत्र तेनायोऽग्नौ प्रतापयेदिति " । ' अग्निवर्णमि ' त्यतःपूर्वपद्यम् । विशेषांतरमाह। **प्राडिति** । **मंडलेति** । यावति भूप्रदेशे मंडलेऽग्निः तत इत्यर्थः । **नारद**मेवाह । **शांत्यर्थमिति** । तापत्रयमप्यत्रैवाग्नावित्याह । **हुत्वा चेति** । **विधिमिति** । पूर्वोक्तप्रकारं कृत्वेत्यर्थः । सति सप्तमी उभयत्र । विशेषणेन मुख्याग्निनिरासः । प्राड्विवाक एवात्र कर्ता अयःपिण्डस्थमिति त्वोबलात् **नारद**मेवाह । **त्वमग्ने वेदा इत्यादि** । **त्वं मुखं ब्रह्मेति** । त्वयि होमेन देववत्तेषामपि तृप्तेरिति भावः । **पापेषु पुरुषेषु चरसि** वर्तसे । **साक्षिवत्** अंतर्यामिवत् । **देवेति** । तानीति शेषः । तत्स्थाने तैंत्पाठो वा ।

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१ पृ. ६५ पं·१६ हुत्वापदे त्वाप्रत्ययबलादित्यर्थः २ देवस्थाने । ३ ' तानि ' अतः " त्वमेव तानि जानीषे " इति पाठः । इति सूचितम् ।

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मूलकृदन्यदप्याहेत्याह । **अपि चेति** । सममित्यस्य व्याख्या **अस्त्ररहितमिति** । कोणरहितमित्यर्थः। अर्थांतरमाह । **सर्वतश्च सममिति** । तदर्थद्वयमाह । **वृत्तं श्लक्ष्णं चेति** । विशेषमाह । **तथेति । पैतामहे** 'सममि'त्यस्य द्विरुक्तिरस्त्रहीनमित्यस्याचोक्तिरिति प्रागुक्तार्थलाभः। अत्र 'अग्निहीनमिति' पाठं धृत्वाऽग्निकोपराहितमिति व्याख्यातवान् **कल्पतरुः** । अग्निर्वर्णवत्त्वस्य[1] प्रकारांतरेणापि संभवादाह। **अग्निसदृशमिति** । दाहकतया तत्तुल्यमित्यर्थः। न्यासस्यासंभवादाह । **निक्षिपेदिति ।** प्राड्विवाक एवात्र कर्तेत्याह । **प्राडिति ।**

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तत इति । तत्र तन्निक्षेपणानंतरमित्यर्थः । कर्तेति शेषः । एवाधिक्यं परिहरति । **एवेति ।** संगतिमाह । **सप्तैवेति । किम्** । कियत् । तस्योभयप्रतियोगिकत्वादाह । **मंडलयोरिति ।** प्रमाणार्थकांगुलशब्दोऽदंतो नित्यक्लीबः । सर्वमिति न्यायेनाह । **तावदेवेति ।** न्यूनतां विरोधं च परिहरति । **सप्तेति उक्तं** उक्तप्रायम् । फलितमाह । **अतश्चेति । मंडलांतेति ।** मंडलानामंतराणीत्यर्थः । तुरुक्तवैलक्षण्ये । तदेवाह । **सप्तेति** । तेषामेव सत्वादिति भावः । **परीति** । उभयं संख्यामेकीकृत्येत्यर्थः । **मंडलांतरं** अन्यत् मंडलम् । उक्तरीत्या मंडलस्य द्वात्रिंशदंगुलत्वस्य बाधितत्वादाह । **अयमर्थ इति** । उक्तहेतोरेवाह । **सांतरालमिति** । पर्यवसितमाह । **तदेवमिति** । अष्टाभिरित्याद्यर्थमाह । **एवमिति** । उक्तप्रकारेणेत्यर्थः । **चत्वेति** बहुव्रीहिः । विभक्त्यंतरायोग्यत्वादाह । **मानमिति । इतिरर्थसमाप्तौ** । तदुपपत्तिमाह । **सार्वेति** । आद्यादित्वात् । अस्मिंस्तु पक्षे इति । द्वितीयादिमंडलानां द्वात्रिंशदंगुलत्वमिति **नारदोक्त**पक्षे त्वित्यर्थः । **कार्याणीति** । अन्यथा प्रागपि ततः पादप्रक्षेपसंभवान्मूलोक्तपक्षतो भेदापत्त्या तद्विरोधापत्तिरिति भावः । **तेनैव नारदेनैव । संमितं** तुल्यम् । यदि शोध्यपदं षोडशांगुलाधिकं तदांऽतरालं षोडशांगुलन्यूनमेव भवति । यदि शोध्यपदं षोडशांगुलादल्पं तदा विपरीतं कार्यं इति भावः । एवं मूलोक्तपक्षेऽपि पदप्रमाणमेव आंतरमंडलं तन्मध्ये कार्यमिति बोध्यम् ।

अन्यविरोधं परिहरति । **यत्त्विति । कारयेदिति ।** 'अग्नेर्विधिं प्रवक्ष्यामि यथावच्छास्त्रचोदितमि' त्यादिः । **मदनरत्ने** तु "अष्टमं सर्वदैवतम् । पुरस्तान्नवमं यत्तु तन्महत्पार्थिवं विदुः । गोमयेन कृतान्येतान्यद्भिः पर्युक्षितानि चेति" पाठः । मंडलानां परिमाणमाह । **द्वात्रिंशदिति ।** इदं प्रागुक्तरीत्या बोध्यम् । **प्रचोदिता इति ।** 'विन्यसेच्च पदं तेषु कर्ता नित्यमिति स्थिति'रिति शेषः ।

ननु नवानां मंडलानां स्वयमुक्तत्वादष्टाभिरित्ययुक्तम् । किंच प्रागुक्तरीत्या योजने चत्वारिंशदधिकमित्युचितं अन्यथा ततोऽप्याधिक्यापत्तिरत आह । **तत्र नवममिति ।** तत्संख्योक्तेः पाठांतरानुरोधाच्चाह । **अपरीति** । मूलादिरोधं समाधत्ते । **तत्रापीति** । नवस्वपीत्यर्थः । एवं च 'चत्वारिंशदि' ति **नारदीयं** अष्टमनवममंडलांतरालभूभागं विहाय बोध्यं तस्य गमनानर्हत्वात् । एवं 'चतुर्विंशतिराख्याता भूमेस्तु परिकल्पनेति' **कल्पतरूक्त**पाठेऽपि आद्यमवस्थानमंडलं विहायांगुलपरिमाणं योज्यम् । **अङ्गुलप्रमाणं चेति ।** बोद्धव्यमित्यत्रान्वयः ॥

१ क-अग्निवर्णत्वस्य ।

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सत्येति । 'नन्वि'त्यादिः । भिन्ने पदे मूलादिविरोधभावादाह । **तन्मय इति** । तात्पर्यार्थमाह । **व्रीहीनिति** । शाब्दस्तु प्रागुक्त एव । प्रकृतत्वादाह । **अदग्धहस्तश्चेति** । विनाऽपि प्रत्ययामीति मूले तस्य साधुत्वम् ।

विशेषमाह **यस्त्विति** । **प्रस्खलन्नभिशस्तः** संत्रासात् प्रस्खलन्सन्यादि हस्ताभ्यामन्यत्रेत्याद्यन्वयः । मूले 'हस्तादिति' जातावेकवचनम् । **तस्येति** शेषत्वविवक्षया षष्ठी । 'अयःपिंडामिति' शेषः । राजेति भावः ।

मूलेक्तदन्यदप्याहेत्याह । **किंचेति** । **गच्छत इति** । हस्ताभ्यामिति शेषः । नायमपूर्वो विधिरित्याह । **अर्थप्राप्तमिति** ।

स्पष्टार्थमाह । **अत्र चेति** । अग्निविधिविषये इत्यर्थः । **अधिदेवताः** अग्न्यादयः । **विधाय** कारयित्वा । **गृहीत्वेति** । तत्पुरतः समानीतमिति शेषः । **सोऽपि** कर्ताऽपि । एवं प्रागपि ॥१०७॥

इत्यग्निविधिः ।

याज्ञवल्कीये १०८ श्लोकः ।

संगतिमाह । **संप्रतीति** । **मामित्यस्य मेत्यादेश इत्याह** । **मामिति** । अत एव कर्तुरयं मंत्रः । 'इती'त्यस्य व्याख्याऽ**नेन मंत्रेणेति** । कमित्यस्य च **उदकमिति** धातूनामनेकार्थत्वादाह । **अभिमंत्र्येति** । **पुरुषेति** । यस्य कस्यचित् बलीयस इत्यर्थः । अत एव 'ब्राह्मणः क्षत्रियो वैश्यो रागद्वेषविवर्जितः ॥ नाभिमात्रे जले स्थाप्यः पुरुषः स्थाणुवत् बलीति' **नारदः** । (अ. १-३०८) तद्ग्रहणोत्तरं प्रवेशस्यासंभावादाह । **निमज्जेदिति** । क्रममाह प्राग्वत् । **एतच्चेति** । कार्यमिति शेषः । एवमग्रेऽपि । **प्रकुर्वीतेति** । दद्यादित्यर्थः । अत एव 'वरुणायेति' चतुर्थी । उक्तहेतोरेवोक्त**मादाविति** । **समेति** । प्राड्विवाक इत्यर्थः । प्राग्वदेवाह । **तथेति** । अत एव 'स्थापयेत्प्रथमं तोये स्तंभवत् पुरुषं नृपः । आगतं प्राङ्मुखं कृत्वा तोयमध्ये तु कारिणम् ॥ ततस्त्वावाहयेद्देवान्सलिलं चानुमंत्रयेदिति' । **पितामहः** । **देवान्** धर्मादीन् । धर्मावाहनादिशिरःपत्रारोपणांतं कुर्यादित्यर्थः । अन्यदप्याह । **तथेति** । **इति** अनेन मंत्रेण । **चस्त्वर्थे** । **वहेषु** 'प्रस्रवणेषु चेति' पाठः । 'वे'ति पाठेऽग्रिमचोऽपि तत्रैव । **तथा** तद्वत् पितामहे**नापि** उक्तानीत्यस्यानुषंगः । **ग्राहो** मकरः । ' **अल्पक इति** । 'कुत्सायां कन्' । **जलौकेति** मध्यमपदलोपी समासः । **नित्यं** सर्वथा । **आहृतमानीतम्** । विशेषमाह । **नाभीति** । **धर्मस्थूणाम्**, धर्मायःप्रतिमाम् 'सूर्मीस्थूणाऽयःप्रतिमे' **त्यमरः** (२।१०।३५) । अवष्टंभश्च धारणात्मकः संयोगविशेषः । **नारदमाह** । उदके इति । नाभिदघ्ने इत्यर्थः । तथा च सापि कृत्वा तत्रादौ स्थाप्येति भावः ।

याज्ञवल्कीये १०९ श्लोकः ।

समकालमिति गमनक्रियाविशेषणम् । तच्च साकांक्षमिति प्रकृतत्वादाह । **निमज्जनेति** । **गतेति** । मध्यमशरपातस्थानं प्रतीतिभावः । 'तास्मिन्नि'त्यस्य व्याख्या **जविन्येकस्मिन्पुरुषे इति** । **नर इति** । लब्धमिदम् । अत एवाह । **अन्य इति** । तदर्थमाह । **शरेति** । भूतनिष्ठालब्धमाह ।

१ ख- शब्दैस्तु । २ मूलोक्तमन्यदप्याह । ३ कुत्सिते ।

पूर्वामिति। आनीयेति। यतः स गतस्तत्रानीयेत्यर्थः। **जलनिमग्नांगमिति** सप्तम्यर्थे बहुव्रीहिः। 'जले निमग्नामिति' पाठेऽपि 'अर्शआद्यचा' तत्र तथा तद्विशिष्टं जलं पश्यतीत्येवार्थः। यद्वा निमज्जनं कर्णाद्यभिप्रायम्। दर्शनं मस्तकाभिप्रायमित्यनुपदं स्फुटीभविष्यति। स्पष्टतया सर्वा-प्रतीतेराहै**तदिति। त्रिष्विति।** अत एव 'अप्सु प्रवेश्य पुरुषं प्रक्षिपेत्सायकत्रय'मिति **बृहस्पतिः। एकः** पुरुषः पंचम्यर्थबहुव्रीहिणा लब्धं स्थानं विशिनष्टि। **तोरणेति।** 'तोरणोऽस्त्री बहिर्द्वार' **मित्य-मरः** (२।२।१६)। **स्थितयोरिति।** तयोः सतोरिति भावः। **तृतीयेति।** तोरणमूलस्थितप्राड्विवाकसं-बंधितृतीयकरतालिकासमकालमित्यर्थः। **सत्समेति। कात्यायनोऽपि**—" क्षिप्तेषु मज्जनं कार्यं गमनं समकालिकमिति "। क्षिप्तेषु शरेषु सत्सु मज्जनं गमनं च तृतीयकरतालिकासमकालिकं कार्यमित्यर्थः। **प्राप्ते** सति। **प्राप्य** लब्धा। प्रागुक्तहेतोरेवाह। **स्पष्टीति। समं** समकालम्। **गमनेति** समाहारद्वंद्वः। **गते।** तत्स्थानं प्राप्ते सति। अदर्शनं दर्शयितुमाह। **अन्तरिति। सम्यगन्तर्जलमिति।** मस्तकस्यापि निमज्जनादिति भावः। एतदाशयेनैव 'यदि न पश्यतीति' उक्तम्। अत एव मूलविरोधो नेति भावः। **नारदोऽपि** (अ१-३०९-३१०) " शरप्रक्षेपणस्था-नाद्युवा जवसमन्वितः।गच्छेत्परमया शक्त्या यत्रासौ मध्यमः शरः॥ मध्यमं शरमादाय पुरुषो यस्तथा-विधः। प्रत्यागच्छेत्तु वेगेन यतः स पुरुषो गतः "॥ आगत इत्यादि प्राग्वत् इति। विशेषानेवाह। **जवि-नोश्चेत्यादिना।** चस्त्वर्थे। एवमग्रेऽपि। तत्र हेतुमाह। **शरेति।** फलमपीह हेतुः। तद्रूपहेतोः। तावेव नियोक्त्र्यावित्यर्थः। **संशोध्येति।** तस्य यौ कर्णावित्यर्थः। 'शोध्यकर्णेति' पाठांतरम्। **तज्जलेति।** दिव्यजलसमीपभूप्रदेशमित्यर्थः। अत एवाह। **तटे इति।** शोध्यकर्णप्रमाणमुच्छ्रितमित्यर्थः।

विशेषमाह। **शरेति।** वैणवं धनुश्चेत्यर्थः। मंगलेत्यस्यैव व्याख्या **श्वेतेति।** एवमग्रेऽपि। **तत इति।** अतएव प्रथममिति पूर्वमुक्तम्। विशेषमाह। **धनुरित्यादिना। प्रयोगविध्यंतेन। विधिः** प्रकारः। त्रैविध्यफलमाह। **मध्यमेन चेति।** एवमग्रेऽपि। एवार्थो वा। द्वितीयः पादपूरणे। किं कृत्वेत्यत आह। **हस्तानामिति। तथा** किंच। न्यूनाधिके तस्मिन् सति सायकान् क्षिपतो दोषः स्यादित्यर्थः। 'सप्तशतमि' त्यादेर्भिन्नपदत्वे बहुवचनापात्तिः। समाहारद्विगौ ङीबापत्तिरसंभवापत्तिश्चातः सप्ताधिक-शतांगुलप्रमाणकमित्यादिःवाच्योऽर्थः। तत्फलितमाहां**गुलानामिति। शतमिति।** यस्य तदिति शेषः तात्पर्यार्थमाह। **एवं चेति। अनायासेति।** अयोविकाररूपाग्रभागरहिताइत्यर्थः। **कात्यायनमाह। शरांश्चेति। सुदृढमिति** सूचितं विशेषमाह। **क्षेप्तेति। पितामह**माह। **यथाहेति। ततः क्षिपेदिति।** 'तथाशुचिरिति' पाठांतरं च। विशेषमुक्तमेवाह। **त्रिष्विति।** एवमग्रेऽपि। अग्रे सर्वा **पितामहोक्तिरेव। प्रेषितानां** प्रक्षिप्तानाम्। **तेषामुक्तलक्षणानाम्। तत्रापि** मध्यमशरविषयेऽपि। **सर्पन्निति** शत्रन्तम्। वीप्सायां द्वित्वम्। **अतिवायतीत्यार्षम्।** 'अतिवातीति' पाठो वा। **स्थाणुर्**वृक्षविशेषः। 'स्थाणुर्वा ना ध्रुवः शंकुरि' **त्यमरः।** (२।४।८)

उत्तरसंगतये आह। **निमग्नांगमिति। वदता** मूलकृता। **चो**ऽप्यर्थे। **अन्यथेति।** 'आग-तस्तु शरग्राही न पश्यति तथा जले। अंतर्जलगतं सम्यक् तदाशुद्धं विनिर्दिशेदि'त्यादिः। 'अन्यथे' त्यस्यैवार्थमाहै**कांगेति।** स्थानपदार्थमाह। **यस्मिन्निति।** मिथोऽविरोधायाह। **एकांगेति।** चस्त्वर्थे। **अपि**रुक्तसमुच्चये। **विशेषेति।** तेनैवेति भावः। **सन्निधौ** पश्चिमतीरदेशे। **तत्तीरे**

१ क-सर्वानमतीतेः

अक्षतपुंजादौ । **अथ** तदभिमंत्रणानंतरम् । **गृहीतस्थूणस्येति** । प्राङ्मुखेति शेषः । **प्राडिति ।** तोरणमूलस्थितेनेत्यादिः । **द्रुत इति ।** तृतीयतालिकासमकालमिति भावः ॥

इत्युदकविधिः ॥

याज्ञवल्कीये ११०।१११ श्लोकौ ।

संगतिमाह **इदानीमिति ।** व्यवस्थितमिति पाठः । विषशब्दस्य क्लीबत्वात् । एवमग्रेऽपि । 'विषमि' त्यस्य मध्यमणिन्यायेनान्वयेन 'एवमुक्त्वे' त्यस्यार्थमाह । **विषमभीति ।** प्रकृतत्वादाह । **विषं वेगैरिति ।** लिङ्गार्थाविवक्षया आह । **जीर्यतीत्यादि ।** 'वेगैरि'ति बहुवचनसूचितमाह । **विषेति । पितामह**माह । **धातोरिति । च**[1] **लेति ।** लक्षणानि त्वित्यर्थः । तदेवाह । **वेग इति । तस्योर्ध्व इति** पूर्वान्वयि । **तस्येति** शेषत्वविवक्षया षष्ठी । **तत्पराविति ।** यथाक्रममिति भावः । **नयेति ।** तनोर्विंशतामतिचंचलताम्, कंठभंगं हिक्कां चेत्यर्थः । **च**स्त्वर्थे व्युत्क्रमे च ।

विशेषमाह । **अत्र चेति ।** तदानंतर्याभावाद्यथाश्रुतासङ्गते**नारदार्थं** सप्रयोगक्रममाह । **प्राडित्यादि ।** तद्दिने उपवासाश्रमाय सोपेत्यस्य व्याख्या **कृतोपेति ।** शेषमाह । **तस्येत्यादि । निधाय** बध्वा । पूर्वमंत्रः कर्तुरित्यतः **पैतामहमेव** तन्मंत्रमाह । **त्वं विषेति ।** विशेषोक्तौ हेतुमाह । **नारदेति ।** तदेवाह । **द्विजानामिति । स्थित इति ।** उद्देश्यस्याधिकरणत्वाविवक्षया सप्तमी । **प्राङ्मुखो वा** प्राड्विवाकः । 'विषस्ये' त्यस्य प्रत्येकं संबंधः । विकल्पे वा । 'यवाः सप्त प्रदातव्याः शुद्धिहेतोरसंशयः' इति अस्य पूर्वार्धम् । भेदस्तु **कात्यायने**नोक्तः ।

''अजाशृंगनिभं श्यामं सुपीतं शृंगसंभवम् । भंगे च[2] शृंगवेराभं ख्यातं तच्छृगिणां विषम् ॥
रक्तस्थमसितं कुर्यात्काठिनं चैव तत्क्षणात् । अनेन विधिना ज्ञेयं विषं दिव्यविशारदैः ॥
वत्सनाभनिभं[3] पीतं वर्णज्ञानेन निश्चयः । शुक्तिशृंगाकृतिर्भंगे विद्यात्तद्वत्सनाभकम् ॥
मधुक्षीरसमायुक्तं स्वच्छं[4] कुर्वीत तत्क्षणात् । बाह्यमेवं समाख्यातं लक्षण्यं धर्मसाधकैः''—इति॥

तेनैव **पितामहेनैव ।** एवं प्रागुक्त्या स्फुटप्रत्यासत्तौ । **चारितानि** संचारितानि । कस्मैचिद्दत्तानि । **च जीर्णानि ।** 'अतिजीर्णानीति' पाठांतरम् । उक्तहेतोरेवाह । **नारदेति ।** उक्तानीत्यस्यानुषंगः । तथा च '**नारदे**नापीति' पाठे तद्वत्तेनाप्युक्तानीत्यर्थः ।

ईप्सितम् । सप्तयवात्मकम् । **हिमेति ।** हेमंतशिशिरयोरित्यर्थः । **नारद**मेवाह । **वर्षे इति ।** इदमार्षम् । ''वर्षासु षड्यवा मात्रा ग्रीष्मे पंचयवाः स्मृताः । हेमंते सा सप्तयवा शरद्यल्पाततोऽपि ही'' ति **कल्पतरौ** पाठः । मात्राशब्दः परिच्छिन्नपरिमाणके वर्तते । सा मात्रा अल्पा त्रियवेति कश्चित् । न्यूनतां निराचष्टे । **हेमंतेत्यादि ।**

नारदमेवाह[5] । **विषस्येति । शोध्ये इति ।** तस्य तत्वविवक्षया । तदर्थमाह । **पलं चेत्यादिना ।** पक्षांतरनिरासायाह । **अत्रेति ।** षडादिशब्दाः षष्ठादिपरा इत्याह । **षष्ठ इत्यादि ।** चेरन्यत्रानियमान्न दोषः । अत एवात्र[6] विरोधो न । **तस्मादिति** संबंधिनस्तत्वविवक्षया पंचमी । तत्रेति भावः । शोध्ये इति प्रागवत् । तमित्यस्य व्याख्या **विंशतीति ।** विशेषं तत्राह । **घृतं चेति ।** **देहिनामित्यपि** तस्य तत्वविवक्षया । **श्लक्ष्णं पिष्टमिति ।** तद्यथा स्यात्तथा पिष्टमित्यर्थः ।

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१ च लक्षणानीति [मि. पृ. ६९ पं. १२+१३] २ भंगेव । ३ क–ख–वत्सनालनिभम् । ४ क–स्वक्ष । ख–स्वक्षे । 'तथैवेति' मिताक्षरापाठः । ५–क तमेवाह । ६ क– अतएव कल्पतरौ पाठः ।

' सम्यक् पिष्टमिति ' पाठांतरम् । घृतपरिमाणमाह । **त्रिंशदिति** । यथाश्रुतासंगतेः तदर्थमाह **त्रिंशदिति** । ' त्रिंशद्गुणेन त्विति ' **कल्पतरौ** पाठः सुगमः ।

विशेषांतरमाह । **शोध्यश्चेत्यादिना** । **कुहकेति** । मंत्रौदिभ्य इत्यर्थः । **कुहकादी**-त्युक्तमेव विशदयति । **ओषधीरिति** । **गूढोत्पन्नानिति** । गुप्ततया संजातानित्यर्थः । ' विषमिति ' पाठे **तथा**शब्दः **समुच्चये** । ' अपीति ' पाठे तद्वदित्यर्थे । विशेषमाह । **तथेति** ॥ पंचतालशतानि यस्मिन्निति बहुव्रीहिः । कालविशेषणम् । ' कालाध्वनोरिति ' द्वितीया । **चिकित्सितमिति** । चिकित्सनमिति पाठांतरम् । अनर्थांतरम् । विरोधं परिहरति । **पितामहेनेति** । तमेवाह। **भक्षिते त्विति** । विषे इति भावः । स्वस्थ इत्यस्यैव व्याख्या । **मूर्च्छेति** । सर्वसंग्रहायाह । निर्विकार इति । कंचन विशेषं कथयन्प्रागुक्तमपि किंचित्स्पष्टत्वायाह । **अत्र चेति** । क्रमोऽन्वयः । **निधाय** आबध्य ।

इति विषविधिः ॥

याज्ञवल्कीये ११२ श्लोकः ।

कोशेति । ' कोशोऽस्त्रीघदिव्यग्रो ' रित्यनेकार्थः [अ. को. ३।३।११७] । " कोशः कोष इवांडजे । कुड्मले चषके दिव्येऽर्थचये योनिशम्ब्योः । जातिकोशेऽसिपिधाने " इति **हैमश्च** । तत्रापि प्रकृतेऽपां वाचकत्वात्तत्र रूढिः । **संश्राव्य** अभिमंत्र्य । **तस्मादाहृ**ताज्जलात् जलमिति पाठेऽग्रिमविशेष्यम् । वक्ष्यमाणलब्धमाह । **संस्नाप्येति** । **इत्यादिना** मंत्रेण । संश्राव्येत्यस्य पाययेदित्यत्रान्वयः । प्राग्वदाह । **एतच्चेति** । **पितामहादिभिरिति** । **आदिना नारदादयः** । ते चान्यत्र स्पष्टाः ।

विशेषमाह । **अत्र चेत्यादिना** । **समभावे तु देवानाम्** देवताविषयकभक्तिसाम्ये । **ये चेति** । ताश्चेत्यर्थः । **तन्नेति** । ब्राह्मण्यादेस्तन्मूलकत्वात् । **विस्रंभे** विश्वासे । **आस्तिक इति** । सत्येन दिव्यकरणे निष्ठाशंकावानित्यर्थः । **मद्यपेति** । द्वंद्वगर्भोऽत्र द्वंद्वः । **ये चेति** । तेषां चेत्यर्थः । क्लीबेति समाहारद्वंद्वः । **नास्तिकेति** पूर्वं तद्वृत्तिरुक्त इति न पौनरुक्त्यम् । विशेषमाह । **तथेति** । **यथाहेति** । स एवेति शेषः ॥ ११२ ॥

याज्ञवल्कीये ११३ श्लोकः ।

मूलमवतारयति । **नन्विति** । अर्वागित्यस्यार्थः । **पूर्वमिति** । राजदैविकमित्यत्र द्वंद्वात् 'तस्य निमित्तमिति ' - ठञित्याह । राजिकमित्यादि । महदित्यस्य फलमाह । **अल्पस्येति** । आर्थिकमाह । **ऊर्ध्वमिति** । अनेन **नारदीये**ऽपि ऊर्ध्वमित्यत्रावधेरिति शेषो द्विसप्ताहादित्यत्र प्रभृतीति सूचितमतो न विरोध इति बोध्यम् । **वैकृतम्** । विकृतमेव वैकृतं विकारः इत्यर्थः । **कृतेति** कृतावधीत्यर्थः । **इतिनारद**समाप्तौ । ननु नेदमवश्यवाच्यमत आह **अर्थेति** । मौलावध्युपादानसिद्धमेव **नारदे**नोक्तमित्यर्थः । विरोधं परिहरति । **अर्वागिति** । **प्रस्तुत्य** प्रक्रम्य । **अवध्यन्तराणि** । तानि तु **पितामह**मेवाह । **त्रिरात्रादिति** । क्वचित्तानि चेत्यस्यादिः ।

नन्वेवमनयोर्व्यवस्थायामपि तदुक्तपक्षाणामवांतरव्यवस्था कथमत आह । **महेति** । **अर्वाचीनम्** । व्युत्क्रमेण सहस्रान्यूनम् ।

इति कोशविधिः ।

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१ ड-मंत्रादिभ्यः २ व्या. सू. (४।१।३८) ३ ख-अल्पस्येति ।

न्यूनतां निराचष्टे । **तुलादीनीति । यथोद्देशामिति ।** उद्देशानतिक्रमेणेत्यर्थः । नाम्ना वस्तुसंकीर्तनमुद्देशः । **भक्षणचोदिते ।** भक्षणे चोदितं शास्त्रविहितं विधिं प्रकारमित्यर्थः । 'लक्षणबोधितमिति' पाठांतरम् । भक्षणवर्जने इति च । चौर्ये त्विति पाठे नान्यत्रेतीति पाठः । चौरो त्विति पाठे नान्यस्येतीति पाठः । कृत्वेत्यस्य संमिश्रानित्यत्रान्वयः । स्नानोदकं चादित्यस्यैव प्रत्यासत्तेः । **ततः** भक्षणकारणानंतरम् । **शीर्यति ।** विशीर्णं भवति । 'हनुँजालं च सीदतीति' **कल्पतरौ** पाठः । हनुजालं उत्तराधरप्रदक्षिणम् । हनुजालसमूह इति तदर्थः । कर्त्रनुपादानादर्थमाह । **शिरोरोपितेति । तं शोध्यम् ।** असंबद्धत्वनिरासायाह । **भक्षेति ।** तस्य चौरादिकत्वादिति भावः ।

इति तंडुलविधिः ।

तथा हि तदेवोच्यते । विस्तारमाह । **षोडेति ।** निम्नतामाह । **चतुरिति ।** बहुव्रीहिः । अथेत्यस्याग्रेऽन्वयः । अनेन कारयित्वेति तत्र शेषः सूचितः । मंडलमित्यस्यार्थमाह । **वर्तुलमिति ।** घृततैलयोरेकार्थत्वाद्विकल्पः । **धुनुयात्** कम्पयेत् । सर्वसंग्रहाय तत् उपसंहरति । **निर्विकारोति** बहुव्रीहिः । 'यावद्वचनं वाचनिकमिति' न्यायेनाह । **उद्धरेदिति ।** तत् सत्वेऽप्याह । **आदरोति ।** स्थलविशेषे इति भावः ।

तदुक्तमेव प्रकारान्तरमन्यग्रन्थानुक्तमाह । **अपरेति । उपादायेति ।** स्थापयित्वेत्यर्थः । **सुशोधितामिति ।** भग्नादिनिरासायेति भावः । 'सुशोभितामिति' पाठान्तरम् । **धौतां** प्रक्षालिताम् । **भ्रमद्वीचीति ।** भ्रमन्ती वाक् शब्दो यस्मिन्नित्यर्थः । **तरङ्गै**र्वीचिभिः पूर्णे । न नखस्पर्शस्यापि विषये । **चुरुकारमिति ।** तैलादिपक्वतापरीक्षा चुर इति शब्देन भवतीत्यनुकरणमिदं ध्वनेः । तत्रापि सुघोषकं महाशब्दयुक्तम् । क्रियाविशेषणमिदं द्वयम् । **अनेन** वक्ष्यमाणेन । प्राड्विवाक इति शेषः । सुतप्तत्वात् पवित्रत्वाच्चाह । **पावकेति । प्रदेशिनी** तर्जनी । **यस्य** कर्तुः । तस्यामिति शेषः । **घृतानुमन्त्रणमिति ।** परमित्याद्युक्तमित्यर्थः । अत एवाह । **त्वमग्ने इति ।** प्राग्वदाह । **अग्न्यभीति ।** प्राग्वदाह । **प्रदेशिनीमिति ।**

इति तप्तमाषकविधिः ।

चोऽप्यर्थे । **तथा चेति ।** स आहेति शेषः । वचने न्यूनतां परिहरति । **हन्तॄणामित्यादि ।** इतिर्वचनसमाप्तौ । इतराभ्रमायाह । **प्रतिमेति ।** एकार्थत्वादाह । **सीसकं वेति ।** अर्श आद्यजन्तामिति भावः । कनन्तं वा । आहेति शेष एवेति भावः ।

अभ्युक्ष्य प्रोक्ष्य । सितपुष्प इति बहुव्रीहिः । **पुष्पधृत इति** धृत्रः क्विबन्तस्य रूपम् । धृगिति पाठे धृष्णोतेस्तदन्तस्य रूपम् । भृदिति पाठे भृत्रस्तदन्तस्य । एवं विधायेत्यस्य व्याख्या **उपलिख्येति ।** एवंविधावुपलिख्येति पाठान्तरं सुगमम् । एवंविधायोपलिख्येति पाठे तु एवं संलिख्य चन्दनेनोपलिप्येत्यर्थः । समं यथा स्यात् तथा कार्यौ इत्यर्थः । **तत** इत्यग्रिमान्वयि । **अनुपहते** अभग्नादौ । अनुपलक्षितावित्यनेन पिधानं तस्य सूचितम् । मध्ये चूर्णिकामाह । **तत इति । तयोश्चैकमिति ।** ततश्चैकमिति द्वितीयः पाठः । **अविलम्बित इति । अविशंकित इति ।** 'अविलम्बितमिति' । पाठे क्रियाविशेषणम् । **समासतः** संक्षेपतः ।

बृहस्पतिरपि

"पत्रद्वये लेखनीयौ धर्माधर्मौ सितासितौ । जीवदानादिकैर्मन्त्रैर्गायत्र्याद्यैश्च सामभिः ॥

"आमन्त्र्य पूजयेद्गन्धैः कुसुमैश्च सितासितैः । अभ्युक्ष्य पञ्चगव्येन मृत्पिण्डान्तरितौ ततः ॥

" समौ कृत्वा नवे कुम्भे स्थाप्यौ चानुपलक्षितौ । ततः कुम्भात्पिण्डमेकं प्रगृह्णीताविलम्बितः ॥
" धर्मे गृहीते शुद्धः स्यात्संपूज्यश्च परीक्षकैः " । इति ॥

जीवदानादिकैः ताः प्रजामिथुनीत्यादिभिरिति **कल्पतरुः** । प्राणप्रतिष्ठापूर्वमित्यन्ये ।

इति धर्माधर्मविधिः ॥

फालविधिर्**बृहस्पतिनोक्तः**—

" आयसं द्वादशपलं घटितं फालमुच्यते । अष्टाङ्गुलं भवेद्दीर्घं चतुरङ्गुलविस्तृतम् ॥
" अग्निवर्णं तु तच्चौरो जिह्वया संलिहेत्सकृत् । न दग्धश्चेच्छुद्धिमियादन्यथा तु स हीयते" इति ।

'मन्वादिभिरिति' आदिना **नारदादि**परिग्रहः । तथा च **नारदः** । (अ० १ श्लो० २४३।२४४)

"शपथा अपि देवानामृषीणां च महात्मनाम् । वसिष्ठः शपथं शेपे यातुधानेन शङ्कितः ॥
"महर्षयस्त्वथेन्द्रेण पुष्करार्थेन शङ्किताः । शेपुः शपथमव्यग्राः परस्परविशुद्धये " ॥ इति ।
"महर्षिभिश्च देवैश्च कार्यार्थे शपथाः कृताः । वसिष्ठश्चापि शपथं शेपे वै यवने नृपे "॥

इति **मनु**रपि । (अ० ८ श्लो० ११०)

सत्यवचनं, सत्यमिति कथनम् । **पुष्पमिति ।** पुण्यमिति पाठान्तरम् । आद्यविषयमुक्त्वा द्वितीयमाह । **सत्यनेति । अत्र च,** शपथविषये । **आर्तिः** पीडा सा च नान्येत्याह । **आर्तिरपीति** । पूर्वोक्तैवेति भावः । एवं कालनियमोऽपि प्रयुक्त एवेत्याह । **कालेति** ।

कात्यायनः—

"आचतुर्दशकादह्नो यस्य नो राजदैविकम् । व्यसनं जायते घोरं स ज्ञेयः शपथे शुचिः ॥ "

अत्राङ् मर्यादायाम् ।

मनुः— (अ० ८। श्लो० १११।११२)

" न वृथाशपथं कुर्यात्स्वल्पेऽप्यर्थे नरो बुधः । वृथा हि शपथं कुर्वन्प्रेत्य चेह च नश्यति ॥
" कामिनीषु विवाहेषु गवां भक्ष्ये तथेन्धने । ब्राह्मणाभ्युपपत्तौ च शपथे नास्ति पातकम् ॥ " इति ।

यमः—

" कृत्वा मृषा तु शपथं कीटस्य वधसंयुतम् । अनृतेन तु युज्येत वधेन च तथा नरः ॥
" तस्मान्न मिथ्याशपथं नरः कुर्याद्द्धेप्सितम् । " इति ॥

"सर्वदिव्यशेषमाह । **एवमिति । शुद्धं** पुरुषम् । **तं** अशुद्धसम्भविनम् । **आहेति । कात्यायन** एवेति भावः । तुलेति समाहारद्वन्द्वः । कल्पनामेवाह । **सहस्रमिति । षट्शतमिति** बहुव्रीहिः । दण्डो विशेष्यः । **चतुरिति** समाहारद्वन्द्वः । क्रमविवक्षया न दोषः । अग्रेऽपि अतिदिशन्नाह । **एवं च हीनमिति ।** उक्तप्रकारेण कल्पनाया चाग्रेऽपि उत्तरोत्तरन्यूनामित्यर्थः ।

विरोधं परिहरति । **निह्नवे इति ।** मूलमिदं सर्वसाधारणम् । अत एव न विकल्पः । अत एवाह । **अयं दिव्येति । कात्यायनोक्तो ।** दिव्यमात्रविषय इत्यर्थः । एवञ्च तुलाग्निसलिलविषकोषतण्डुलतप्तमाषधर्माधर्मशपथदण्डरूपैरवान्तरप्रकरणैर्विशिष्टमिदं महादिव्यप्रकरणं संपन्नमिति बोध्यम् । तदाह । **इति दिव्योति ।**

इति दिव्यप्रकरणं संपूर्णम् ।

अथ दायविभागप्रकरणम् ८.

निबन्धकारः पद्यबन्धेन सङ्गतिमाह । **प्रमाणमिति । इति भेदेनेति ।** इति एवंप्रकारेण द्विविधं प्रमाणमवान्तरभेदेन वर्णितमित्यर्थः । **योगेति । योगीश्वरेण याज्ञवल्क्येने**त्यर्थः । निरूपणीयव्यवहारपदानां मध्ये केषांचिन्निरूपणानन्तरं मध्ये प्रसक्तप्रमाणनिरूपणं कृत्वाऽवसरसङ्गत्या प्राप्तावशिष्टव्यवहारपदनिरूपणप्रसङ्गे तावत् सर्वोपयोगित्वेन दायविभागो निरूप्यते इत्यर्थः ।

दायशब्दार्थं तावदाह । **तत्रेति ।** निरूपणीये दायविभागे इत्यर्थः । एवेन लोकप्रसिद्धक्रयादि-रूपनिमित्तान्तरमात्रव्यवच्छेदः । सम्बन्धश्च जन्यजनकभावादिर्धनस्वामिना सहान्यस्य पुत्रादेर्बोध्यः । एतेन पूर्वद्रव्यस्वामिसम्बन्धाधीनं तत्स्वाम्युपरमे यत्र द्रव्ये स्वत्वं तत्र निरूढो दायशब्द इति प्राच्यो-क्तमपास्तम् । 'विभागं चेदि'त्यादिवक्ष्यमाणमूलादिविरोधापत्तेः । तत्र जन्मना स्वत्वाङ्गीकारात् । **स च** दायश्च । 'अप्रतिबन्ध' इत्यादिर्बहुव्रीहिः । तत्राद्यस्वरूपमाह । **तत्रेति ।** तयोर्मध्ये इत्यर्थः । 'भूर्या पिते'त्यादिना वक्ष्यमाणसिद्धान्तमभिप्रेत्याह । **पौत्राणां चेति ।** यथाक्रममन्वयः । तेषां स्वामि-सत्वेऽपि जननमात्रेणान्योपायं विनाऽपि स्वाम्यस्य सत्त्वात् दायस्य अप्रतिबन्धत्वमिति भावः ।

द्वितीयस्वरूपमाह । **पितृव्यभ्रात्रादीनामिति ।** पितृव्यश्च भ्राता च तत्प्रभृतीनामित्यर्थः । अभ्यर्हितत्वात्तस्य पूर्वनिपातः । पितृव्यत्वादिकं च धनस्वामिनिरूपितमेव । अत्र वस्तुकथने तात्पर्यं न तु क्रमे । पितृभ्रात्रादीनामिति पाठान्तरम् । तत्र क्रम एव । पितरौ च भ्रातरश्च आदिर्येषां तेषा-मिति तदर्थः । विशेषान्तरमाह । **स्वाम्यभावे चेति । तदभावे** उभयोस्तत्तद्रूपेणाभावे । **तत्पुत्रा-दिष्वपीति ।** पितृव्यादिपुत्रादिष्वपीत्यर्थः । तत्रापि विद्यमानेषु धनस्वामिसम्बन्धिषु यस्य तेनाव्यव-हितः सम्बन्धस्तस्याद्यो यस्य व्यवहितस्तस्य द्वितीय इति भावः ।

एवं दायशब्दार्थमुक्त्वा विभागशब्दार्थमाह । **विभागो नामेति ।** अविभक्तद्रव्यसमुदायनिरू-पितानामनेकेषां पुत्रादिनिष्ठस्वाम्यानां तदेकदेशेषु समुदितद्रव्यैकदेशेषु तद्विषयतया तन्निरूपिततया व्यवस्थापनं विशेषेण प्रत्येकमवस्थापनं यत् तत् विभागशब्दवाच्यमित्यर्थः ।

उक्तार्थं समूलयति । **एतदेवेति । पैत्रस्येति ।** 'तस्येदमि'त्यण् (व्या. सू. ४।३।१२०)। 'पित्र्यस्येति' **कल्पतरु**धृतपाठस्तु न युक्तः । यतो देवताधिकारपठितत्वात् । **यत्र** व्यवहारे । तद्विवादपदं बुधैरिति पाठान्तरम् । तत्र तदिति विधेयविशेषणम् ।

तत्र न्यूनतां परिहरन् तस्य स्वोक्तार्थपरत्वमाह । **पैत्रस्येतीति ।** स्वत्वे निमित्तभूतो यः संब-न्धः स्वामिसम्बन्धः प्रागुक्तस्तदुपलक्षणार्थमित्यर्थः । तेन पैतामहादेरपि ग्रहणम् । अत एवाह । **तन-यैरिति । प्रत्यासन्नेति ।** अव्यवहितसम्बन्धीत्यर्थः । एतेनैकदेशगतस्यैव भूहिरण्यादावुत्पन्नस्यैव स्वत्वस्य विनिगमनाप्रमाणाभावेन वैशेषिकव्यवहारानर्हतया अवस्थितस्य गुटिकापातादिना स्वत्वव्य-ञ्जनं विभागं इति प्राच्योक्तमपास्तम् । निमित्तभूतसम्बन्धस्य साधारणत्वेन नियतैकदेशग्रहणे विनिग-मकाभावेन च तथा दुर्वचत्वात् । अन्यथा तदाऽपि यथेच्छव्यवहारापत्तेर्मिथो विरोधाच्च ।

एवं सङ्गतिमुक्त्वा विचारं कर्तुमादौ विभागप्रकरणार्थं निष्कृष्याह । **इदमिति । इह,** विभाग-प्रकरणे । अत्र 'कस्येति' द्रव्यनिर्देशः 'कथमिति' इतिकर्तव्यतायाः । 'कैश्चेति' कर्तॄणाम् ।

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१ ख—स्वातिरिक्तान्य जनप्राप्ते विनाऽपि स्वाम्यस्य सत्वात् तस्य तत्वमिति भावः। २ ख—तस्य । ३ ड—क—विनिगमना इदममुकस्य नान्यस्येत्यवधारणरूपा तत्प्रमाणाभावेन वैशेषिकव्यवहारः परस्परनैरपेक्ष्येण दानविक्रयादिलक्षणः तदनर्हतया अवस्थितस्य सतोऽप्यसत्कल्पस्य गुटिकापातादिना व्यञ्जनम् इदममुकस्येत्यवधारणं विभाग इत्यर्थः ।

तत्र चतुर्णां मध्ये। **इह** आदौ। तस्य मूलानारूढत्वात्सकलदायप्रकरणोपयोगित्वाच्चेति भावः। तत्रापि द्विविधो विचारः। तत्राद्यविचारस्य विभज्यमानं द्रव्यं विषयः। तत्र सन्देहः किम् अस्वस्य विभागः स्वत्वहेतुः, तथा च विभागेन स्वत्वं न ततः प्राक् स्वत्वहेतुभूतविभागाभावात्; उत विभागो न स्वत्वे हेतुः किं तु जन्मैव, तथा च तत एव स्वत्वात् स्वस्य विभाग इति। अयमेको विचारः। तदाह। **किं वि॰ ागादिति। स्वं** स्वीयम्। **स्वस्येति**। स्वीयस्य सत इत्यर्थः। एतदुपयोगिद्वितीयविचारं तावदाह। **तत्रेति। उक्ते** विचारविषये इत्यर्थः। एवेन एतद्विचारं विना तस्य दुष्करत्वं सूचितम्। यथा चैतत् तथाऽनुपदमेव स्फुटीभविष्यति। अत्र विचारे स्वत्वं विषयः।

तत्र संशयमाह। **किमिति। शास्त्रैकेति**। तन्मात्रेत्यर्थः। **प्रमाणान्तरेति**। लौकिकेत्यर्थः। तत्र पूर्वपक्षमाह। **तत्रेति**। तयोर्मध्ये इत्यर्थः। तदेवाह। **स्वामीति**। व्याख्यातमिदं प्राक्। स्फुटीभविष्यति चानुपदं मूले एव। यथैतस्तल्लाभस्तमाह **प्रमाणान्तरेति**। लौकिकत्वे इत्यर्थः। **इदं गौतम**वाक्यम्। अनुवादे फलाभावात्। वचनान्तरविरोधमाह। **तथेति**। स्वत्वस्य लौकिकत्वे इत्यग्रिममत्र योज्यम्। अदत्तादायिन इति षष्ठ्यन्तं हस्तान्वयि। अन्येनादत्तं परकीयमाददाति तस्य चोरस्य हस्तादित्यर्थः। अग्रे तु फलितार्थ उक्तः। **याजनेति** समाहारद्वन्द्वः। अपिना प्रतिग्रहसमुच्चयः। स्तैनत्वातिदेशस्तद्दण्डप्राप्त्यर्थ[1] इत्याह। **दण्डेति**।

स्वत्वस्यालौकिकत्वे युक्तिमप्याह। **अपि चेति। स्वत्वमिति**। तदेति शेषः। तत्र हेतुमाह। **अपहर्तुरेवेति**। तत्सम्बन्धस्यैव प्रत्यक्षविषयत्वात्। उक्तदोषं परिहरन् विशेषमाशङ्कते। **अथेति**। परिहराति। **एवं तर्हीति**। स्वत्वस्य लौकिकत्वेऽन्यस्य स्वेऽन्येनापहृते स यदि ब्रूयान्मम स्वमनेनापहृतमिति तदा श्रोतॄणां सभासदामुक्तसंशयो न स्यात्। यथा लौकिके सुवर्णरजतादिस्वरूपे दृष्टे सुवर्णादिकं भवति न वेति न संशयः तद्वत्स्वत्वेऽपि तदभावः स्यात्। लोकतः तत्कोटिनिश्चयसत्त्वात् जायते च संशयः। तस्मादपहर्तुः स्वं न भवतीति वक्तुमशक्यमिति भावः।

यद्वा। अथेति पूर्वपक्षवादी प्रष्टव्योऽपहर्तुः स्वं न भवतीति प्रमितिरुत्पद्यते न वेति। तत्राद्ये आह। **एवन्तर्हीति**। यथेदं सुवर्णमिदं रजतमित्युत्पन्नायां प्रमितौ सुवर्णादिस्वरूपे संशयो न भवति तथा प्रकृतेऽपीति भावः। नापि द्वितीयः। प्रमित्यनुदयादेवापहर्तुः स्वं न भवतीति वक्तुमशक्यत्वादिति[2]। पूर्वपक्षमुपसंहराति। **तस्मादिति**।

सिद्धान्तमाह। **अत्रोच्यत इति**। स्वत्वस्य लौकिकत्वमनुमानेन तावत्साधयति। **लौकिकमेवेति**। स्वत्वं पक्षः, लौकिकत्वं साध्यं, लौकिकार्थेति हेतुः। तत्रान्वयव्याप्तौ दृष्टान्तमाह। **व्रीह्यादिवदिति**। तथा च स्वत्वं लौकिकं, लौकिकार्थक्रियासाधनत्वात्। यद्यल्लौकिकार्थक्रियासाधनं तत्तल्लौकिकं, यथा व्रीह्यादिस्वरूपं, तथा चेदं, तस्माल्लौकिकमिति बोध्यम्। यद्यल्लौकिकं न भवति तत्तल्लौकिकार्थक्रियासाधनमपि न भवति यथाऽऽहवनीयादिरिति। व्यतिरेकव्याप्तिदृष्टान्तमप्याह[3]। **आहवनीयादीनामिति। हि** यतः।

संभवे व्यतिरेकापरिशुद्धमनुमानं तादृशं न प्रमाणमित्याक्षेपं सूचयन् व्याप्तौ व्यभिचारमाह। **नन्वाहवनीयादीनामपीति**। अलौकिकस्यापि तस्य लौकिकपाकादिसाधनत्वादुक्तव्यतिरेक-[4]

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१ ख–तेन त्वातिदेशः। २ ख–ङ–वक्तुं शक्यत्वात्। ३ ख–ङ–क व्यतिरेकव्याप्तिमप्याह। ४ क–उक्तव्याप्त्योर्व्यभिचारात्।

व्याप्तौ व्यभिचारादनुमानं दुष्टमिति भावः । **अपिना** व्रीह्यादि । समाधत्ते **नैतदिति ।** आहवनीयादौ स्वरूपद्वयसत्त्वेऽपि पाकसाधनत्वं न शास्त्रसमधिगम्यम् । अलौकिकाहवनीयादिस्वरूपहीनलौकिकाग्नेरेव तत्स्वरूपेण पाकसाधनत्वाङ्गीकारात् । न चालौकिकाहवनीयादिस्वरूपेणैव तदस्तु । तथाहि सति अलौकिकाहवनीयादिस्वरूपहीनलौकिकाग्नेः पाकसाधनत्वं न स्यात् । न च सामान्यस्वरूपेण सार्वत्रिकं तदस्तु । तथा सति तस्यापि लौकिकत्वापत्त्या शास्त्रानर्थक्यापत्तेः । अत एव साधनत्वं फलोपहितत्वं निविष्टम् । तस्माच्च व्याप्तौ व्यभिचार इति भावः । नन्वेवं प्रकृतेऽपि सुवर्णादेः सुवर्णादिस्वरूपेणैव लौकिकक्रयविक्रयाद्यर्थक्रियासाधनत्वमास्तां न स्वत्वरूपेणेति कथं तस्य लौकिकत्वसिद्धिरत[1] आह । **इह त्विति । स्वत्वेनैव** तद्दैव । तदेवं[2] ध्वनयन् उक्तमुपपादयति । **न हीति ।**

लोकविशेषव्यवहारोऽपि स्वत्वस्यालौकिकत्वेऽनुपपद्यमानस्तस्य तत्त्वे प्रमाणमित्याह । **अपि चेति ।** 'प्रत्यन्तो[3] म्लेच्छदेशः स्यात्' । सर्वथा शास्त्रज्ञानाभावसूचकमिदम् । तदाह । **अदृष्टेति ।** अज्ञातेत्यर्थः । म्लेच्छादीनामिति यावत् । ननु तद्व्यवहारस्य तस्य तत्कल्पकत्वमुक्तम्, तत्र कल्पकसत्त्वे एव न मानमिति कथमर्थापत्त्या तत्सिद्धिः, अत आह । **क्रयेति ।**

स्वत्वस्य तत्त्वं न्यायवित्संमतमपीत्याह । **किंचेति । नियतोपायकमिति ।** प्रतिग्रहार्जनादीत्यर्थः । **न्यायविदः** तेऽपि । कथमित्याशङ्कायामुक्तमुपपादयति । **तथा हीत्यादिना । लिप्सेति ।** तत्पदघटितसूत्रे इत्यर्थः । चतुर्थाध्याये प्रथमपादे द्वितीयाधिकरणसूत्रम्, ' यस्मिन्प्रीतिः पुरुषस्य तस्य लिप्साऽर्थलक्षणा विभक्तत्वात् ' इति ।

तत्र प्रथमवर्णके क्रत्वर्थपुरुषार्थयोर्लक्षणविचारः, द्वितीये वर्णके गोदोहनादिकं क्रत्वर्थमुत पुरुषार्थमित्यादिविचारः । तृतीये वर्णके त्वयं विचारः—अनारभ्य पठ्यंते द्रव्यार्जननियमाः—ब्राह्मणः प्रतिग्रहादिना धनमर्जयेत्, राजन्यो जयादिना, वैश्यः कृष्यादिनेति । तत्र संदेहः, किमेते क्रत्वर्था उत पुरुषार्था इति ।

तत्र पूर्वपक्षः । तेषां तत्त्वेऽपि क्रत्वर्थत्वानङ्गीकारेऽधिकारिणः अभावाद्विध्यानर्थक्यापत्तेः कर्तृप्रयुक्तद्रव्यद्वारा क्रत्वर्थत्वमेव युक्तमिति । अयं भावः । यथा क्रतुविधिना आक्षिप्ते द्रव्यार्जने ' सोमं क्रीणाती ' त्यादिर्द्रव्यार्जननियमः क्रत्वर्थस्तथैव प्रतिग्रहादिनियमोऽपि । अन्यथा तन्नियमस्य द्रव्यप्राप्तिस्वरूपे तत्कार्ये क्षुत्प्रतीघातादौ चानुपयोगाद्वैयर्थ्यं स्यात् । न च तत्र प्रकरणं क्रत्वर्थताबोधकमस्ति नात्रेति वैषम्यमिति वाच्यम् । अदृष्टोपायापेक्षक्रतुसामर्थ्येनादृष्टप्रयोजनापेक्षनियमसामर्थ्येन वाऽङ्गत्वसिद्धेः । न[4] चैवं सर्वस्य द्रव्यस्य क्रत्वर्थत्वाज्जीवनं न स्यादिति वाच्यम् । आनियमोपार्जितेन तत्सिद्धेः। यद्वा जीवनं विना क्रत्वसिद्धेः क्रतुविधिभिरेव स्वार्थसिद्ध्यर्थं नियमोपार्जितस्य जीवनार्थत्वमभ्युपगतमिति । द्रव्यप्राप्तिरूपद्रव्यार्जनमत्रोदाहरणमिति **तन्त्ररत्नकृदुक्तं** तु वार्तिकविरुद्धं युक्तिविरुद्धं च । विधेयस्यैव मीमांसायां विचारादिति बोध्यम् ।

एवमाक्षिपति **द्रव्येत्यादिना आशंक्येत्यन्तेन ।** द्रव्यार्जननियमानां क्रत्वर्थत्वे स्वत्वस्यालौकिकत्वेन लौकिकहेत्वजन्यत्वेन वैदिकहेत्वन्तराभावेन नियतप्रतिग्रहादिहेतूनां च क्रत्वर्थत्वेना-

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१ क—लौकिकत्वात्सिद्धिः । क—लौकिकत्वासिद्धिः । २ क—अलौकिकत्वं ध्वनयन् । ३ अमरकोशे (२।१।७) । ४ ख—क—नच ।

न्यार्थत्वेनाकारणककार्योत्पत्त्यभावेन च स्वत्वानुत्पत्त्या स्वस्याभावात् अस्वेन च क्रत्वसिद्धेः क्रत्वर्था नियमा इति पूर्वपक्षासम्भव इत्यर्थः।

तमुज्जीवयति। **द्रव्यार्जनस्येति**। वैपरीत्येनान्वयः। अत एव याजनादिद्वारेण द्रव्यमर्जयतामिति शङ्कावसरे उक्तम्। तत्र प्रतिग्रहो नाम स्वीकारविशेषः। अर्जनं च द्रव्यप्राप्तिरूपम्। अत एव याजनादिना लिप्सेतेति प्राक् स्मृत्युक्तम्।

'ईश्वरं चाप्युपासीत योगक्षेमार्थसिद्धये' [१।१००]

इति **मौलं** अर्जनोपायबोधकम्,

"षण्णां तु कर्मणामस्य त्रीणि कर्माणि जीविका। याजनाऽध्यापने चैव विशुद्धाच्च प्रतिग्रहः॥"

इति **मानवं** च (१०।७६) संगच्छते। प्रतिग्रहादिनियमाः स्वत्वं साधयन्त एव क्रतूपयुक्तधनद्वारा क्रत्वर्था भविष्यन्ति, यथाऽवघातो वितुषीभावं कुर्वन्नेव क्रतूपयुक्तव्रीहिद्वारा क्रत्वर्थस्तद्वत्। तच्च स्वत्वं जन्मना पुत्रत्वादिकवत् अर्जनेनार्जकार्ज्ययोः तादृशस्वत्ववत् स्वस्वामिभावसंबन्धरूपं लौकिमेव मन्यंते वृद्धाः।

यतः—

"संबन्धः कारकेभ्योऽन्यः क्रियाकारकपूर्वकः। श्रुतायामश्रुतायां वा क्रियायामभिधीयते॥"

इति **हर्युक्तेः** क्रियामूलकः कर्तृकर्मणोः सम्बन्धो लोकसिद्धो न मानान्तरापेक्षः। न चैवमर्जनाक्रियापाये तज्जन्यस्य तस्याप्यपायः। संबन्धिनोराश्रययोः सत्वात्। न हि पितुः क्रियापाये पितृत्वमपैति। तथा च लौकिकत्वात्स्वत्वस्य स्वेन च क्रतुसिद्धेर्न तदभाव इति सिद्धं तेषां तत्वमिति भावः।

ननु तर्ह्यर्जनस्य स्वत्वसाधनत्वेऽपि तन्नियमानां क्रत्वर्थत्वादर्जनस्यापि क्रत्वर्थत्वेनान्यार्थत्वात् स्वमेव नेति क्रत्वभावस्तदवस्थ एवेति पूर्वपक्षासिद्धिरेवेत्याह। **ननु चेत्यादि वर्त्ततेत्यन्तेन।** उपहसन् परिहरति। **प्रलपितमिति।** अर्जनं स्वत्वं नापादयतीति वदता केनापि प्रलपितमिदं, यतो मिथो विप्रतिषिद्धमित्यर्थः। यद्वा केनापि प्रलपितमिदम्। तत्र हेतुमाह। **अर्जनमिति।** यत इत्यादिः। 'इति वदते' त्यस्य 'गुरुणे'त्यत्रान्वयः। अर्जनं नामार्जकधर्मः प्रागुक्तरूपस्तत्प्रयुक्तः स्वस्वामिभावः संबन्धः। स च द्विनिष्ठः पितापुत्रत्ववत्। तथा चार्ज्यं विनाऽर्जनस्यानिष्पत्तेर्मे माता वन्ध्येतिवत् अर्जनं स्वत्वं नापादयतीति वचनं मिथो विरुद्धमित्यर्थः।

ननु पूर्वपक्ष्युक्तत्वादेव नायं तत्सिद्धान्तोऽत आह। **सिद्धान्तेऽपीति।** इत्थं हि सः। धनार्जनप्रवृत्ते ह्यधिकारिणि अर्थलभ्ये सति तन्नियमानां क्रतुनिवेशकल्पना न युक्ता। धनकामाधिकारे च रागात्प्रवृत्तो न नियतं प्रवर्त्तते। अनियमप्रवृत्तेर्न तद्विध्यानर्थक्यम्। किंचार्जनमात्रस्य क्रत्वर्थत्वे कृत्स्नमेवार्जितं क्रत्वर्थमिति जीवनोपायाभावात्सर्वक्रतुलोपः स्यात्। किञ्च लिङ्गस्य क्रत्वर्थत्वपुरुषार्थबोधकत्वे साधारण्यान्न तेन क्रतुमात्रार्थत्वम्। अतो न क्रतोः क्रतुत्वेन द्रव्यार्जनाक्षेपकता किंतु पुरुषार्थत्वेन। अन्यथा "त्रयाणां द्रव्यसंपन्नः कर्मणो द्रव्यसिद्धित्वात्" इति **षाष्ठाधिकरणोक्तेन** क्रतूनां द्रव्यार्जनाक्षेपकत्वेन विरोधः स्यात्। 'द्वादशरात्रीर्दीक्षितो भृतिं चिन्वीतेति' भृतिचयनादिकं

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१ क—अकारणकभावार्थोत्पत्त्यभावेव। २ क—प्रतिग्रहातयोर्मध्ये। ३ क—ङ—अर्जकार्ज्ययोः स्वस्वामिभावसम्बन्धरूपस्य। लौकिकस्य स्वत्वस्य अर्जनक्रियाजन्यत्वाङ्गीकारे। ४ क—ङ—स्वत्वत्यागात्मकक्रत्वभावः। ५ क—तेषां नियमानु तत्त्वक्रत्वर्थत्वम्। ६ ख—अर्जनस्य। ७ क—स्वसस्वसाधनेऽपि। ८—ख—क—पितापुत्रवत्।

तु पुरुषार्थार्जितद्रव्यबाधेन क्रत्वर्थतया विधीयते इति वैषम्यम् । तथा चोपायान्तरेण[1] द्रव्यार्जने प्रत्यवायः कल्प्यते । न च ‘ हिरण्यं धार्यम् ’ इतिवत् द्रव्यार्जनमेव फलार्थमस्त्विति[2] वाच्यम् । दृष्टार्थत्वे सम्भवति अदृष्टार्थत्वस्यान्याय्यत्वात् । तस्मात्पुरुषार्था नियमा इति । यद्यप्येवं न्यायेन तत्र स्थापितं तथापि यज्ञोपवीतादिवदुभयार्थता बोध्या । अत एव –‘ न्यायोपार्जितवित्तेन कर्तव्यं तु सदा द्विजैः । ’ इति **चतुर्विंशतिमत**मुपपद्यते । एवं अर्जनमपि । अत एव ‘ जीविकेति ’प्रागुक्त**मानव**सङ्गतिरीति बोध्यम् । अत एव द्रव्यस्य सर्वकार्यार्थत्वेन पुरुषार्थत्वात्तदाश्रितनियमस्यापि तदर्थत्वमिति सिद्धान्तसूत्रं सङ्गच्छते इति तत्त्वम् ।

विचारेति । अधिकरणविचारप्रयोजनमित्यर्थः । सिद्धान्तप्रयोजनस्वरूपमेवाह । **अतो नियमातिक्रम इति** । तत्प्रयुक्तदोष इत्यर्थः । अत एव विशदयति । **अस्य चेति** । प्रयोजनपरग्रन्थस्य मूलोक्तस्येत्यर्थः । **विवृतः** गुरुणेति शेषः । ‘ यदेत्यादिना नियमातिक्रमदोष ’ इतीत्यन्तेन ग्रन्थेनेति भावः । पूर्वपक्षे पुरुषस्य न ततो दोषः । किंतु ततो न क्रतुसिद्धिः क्रतुवैगुण्यात्[3] । सिद्धान्ते तु तेषां पुरुषार्थत्वात् व्यतिक्रमे पुरुषस्य दोषो न क्रतुवैगुण्यमिति तात्पर्यम् । एवव्यवच्छेद्यमेवाह । **नियमातिक्रमार्जितेनेति** । पूर्वपक्षे इति पूर्वान्वयि । भवतीति पाठः ।

वस्तुतस्तु पूर्वपक्षे द्रव्यार्जनस्य कर्माङ्गत्वात्तत्तत्कर्मकाले एवादौ तदुपयुक्तद्रव्यार्जनम् । स्वतन्त्रकालत्वे मानाभावात् । तत्काले द्रव्यालाभेन कर्मलोपेऽपि न प्रत्यवायः । अर्थिन एवाधिकारात् । सिद्धान्ते तु पूर्वार्जितेन यष्टव्यमिति । एतेन पूर्वपक्षे प्रतिग्रहाद्यर्जितमेव क्रतौ ग्राह्यम्, सिद्धान्ते यथाकथंचित्सिद्धमिति **राणको**क्तमपास्तम् । तत्तन्नियमवाक्यतस्तदकरणे पुरुषस्यानिष्टभवनलाभेन प्रत्यवायवत् क्रतुफलाभावस्यापि कृतकष्टं प्रति कष्टजन्येष्टाभावस्याप्यनिष्टत्वेन दोषात् । अत एवापशूद्राधिकरणे शूद्रेण नाध्येयमिति निषेधातिक्रमे शूद्रस्य क्रतुफलासिद्धिः प्रत्यवायश्चेत्युक्तं भाष्यकृतेति बोध्यम् ।

प्रकृतोपसंहारं सूचयन् फलितमाह । **नियमातिक्रमार्जितस्यापीति** । तथा चेत्यादिः । सिद्धान्तिनेति भावः । अपिः कैमुतिकन्यायसूचकः । **अन्यथा** । नियमातिक्रमार्जितस्यापि स्वत्वानङ्गीकारे । नियमानां क्रत्वर्थत्वेन तदर्जितस्यापि तत्त्वेन स्वत्वस्यालौकिकत्वे स्वत्वाभावेन जीवनदौर्लभ्यात्तदभावात्तदभाव इत्यर्थः ।

ननु तदतिक्रमार्जितेऽपि स्वत्वाङ्गीकारे चौर्यादिप्राप्तस्यापि स्वत्वप्रसङ्गोऽतः प्रसंगान्मध्यमदोषपरिहारं सूचयन्नाह । **न चैतावतेति** । न हीत्यर्थः । हेत्वसिद्धिं परिहरति । **व्यवहारविसंवादादिति** । प्रसिद्धक्रयाद्यदर्शनादित्यर्थः ।

एवं स्वत्वस्य लौकिकत्वे साधिते असाधारणविध्यानर्थक्यं परिहरति । **एवं प्रतीत्यादिना** । विजितेत्यत्र भावे क्तः । विजयादयः । उपाया इत्यस्याग्रे सर्वत्रानुषंगः । **अदृष्टेति** । द्रव्याद्यदृष्टेत्यर्थः । इति नियमा अदृष्टार्था इत्वन्ययः ।

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१ क–उपायान्तरतः २ क–स्वर्गफलार्थत्वमिति । फ–तृतीयायाध्यायस्य चतुर्थपादस्थद्वादशाधिकरणम् । तस्मात्सुवर्णं हिरण्यं भार्यं सुवर्ण एव भवति दुर्वर्णोऽस्य भ्रातृव्यो भवतीत्यत्र विहितं शोभनवर्णोपेतहिरण्यधारणं वैदिकक्रियारूपत्वेन क्रतूपस्थापकक्रत्वंगमारादुपकारकम् । कर्मवि[illegible]तण्यत्प्रत्ययानुसाराद् क्रतुगतहिरण्यसंस्कारो वा । हिरण्यं हस्ते भवतीति हिरण्यधारणप्राप्तेर्धार्यहिरण्यानुवादेन शोभनवर्णता विधिर्वा । इति त्रेधाऽपि क्रत्वर्थो विधिः न पुमर्थ इति प्राप्ते ब्रूमः । न क्रत्वर्थः, अनारभ्याधीतत्वात् । क्रतुव्यभिचारित्वेन क्रत्वनुपस्थापकत्वाच्च । तस्मात्केवलं पुंधर्मस्तस्य फलं स्वर्गः [illegible]भ्रातृव्यदुर्वर्णते वा इति । ३ ङ–क्रतुवैगुण्य ततः ४ख–नु च ।

अथ साधारणविध्यभावेऽपि तत्परिगणक**गौतम**वाक्यानर्थक्यरूपालौकिकत्वसाधकप्रागुक्ताद्ययुक्तिं खण्डयति। **रिक्थाद्यस्त्वित्यादिना वेदितव्यमित्यन्तेन। सर्वेति।** वर्णसङ्करेत्यर्थः। तदर्थं वक्तुं तानेवाह। **स्वामीति। तत्र** तेषां मध्ये।

अनन्येति। अनन्यस्वामिकस्येत्यर्थः। एवं पदार्थानुक्त्वा वाक्यार्थमाह। **एतेष्विति।** यथाश्रुते साकाङ्क्षत्वादाह। **भवतीति।** सर्वतदर्थमाह। **ज्ञातेषु ज्ञायते स्वामीति।** एतेषु निमित्तेषु ज्ञातेषु स्वामीति ज्ञायते इत्यर्थः। अनेन पूर्वपक्ष्यभिमतार्थनिरासः। एतदर्थतया साफल्यात्।

अग्रिमार्थमाह। **ब्राह्मणस्येत्यादि** सप्रतीकम्। लब्धमित्येतत्स्वारस्याद्वचनांतरैकवाक्यत्वादत एव साहचर्याच्च शेषपूरणेनाह। **प्रतिग्रहेति।** अधिकमित्यस्योत्कृष्टमित्यर्थस्तदाह। **असाधारणमिति।** विजितमित्यत्र विजय उपलक्षणम् इत्याह। **विजयदण्डेति।** अधिकमित्यनुवर्तते इति पाठः। भोगरूपनिर्वेशाशयेनाह। **कृषीति।** आदिना वाणिज्यादिपरिग्रहः।

न्यूनतानिरासायोक्तन्यायमन्यत्राप्यतिदिशति। **एवमिति।** षष्ठ्यन्तयोस्तत्तदसाधारणमित्यत्राप्यन्वयः। **स्वत्वहेतुषु** तेषां मध्ये। **तत्तत्सर्वमिति।** तेषामित्यादिः।

ननु स्वत्वस्य लौकिकत्वे 'पत्नी दुहितर' इत्यादिवचनजातं विरुद्धं, तेन स्वामिनोऽभावे पत्न्यादेः स्वामित्वप्रतिपादनात् इति **गौतमो**क्त्योक्तप्रायं प्रागनुक्तमपि दोषं तत्प्रसङ्गेनोद्धर्तुमाह। **यद्पीति। तत्रापि** वचनेऽपि। तदभावे इति शेषः। क्रमस्मरणामिति पाठः। अन्यथा तत्रापीत्यसंगतेः। एवमन्यस्मृतिविरोधाभासोऽपि निरसनीय इति न कोऽपि वचनविरोधः।

अत्रेदं बोध्यम्। ननु किं तावत्स्वत्वं यस्य लौकिकत्वं सिद्धान्तिनोच्यते। न च शास्त्रनिषिद्धं यथेष्टविनियोगोपायभूतक्रयप्रतिग्रहादिविषयत्वं तत्, तच्च न बहिरिन्द्रियवेद्यं प्रतिग्रहादेर्मानसज्ञानविशेषस्य तदयोग्यत्वाभिप्रायोक्तमेवेति वाच्यम्। प्रतिग्रहादिनाशोत्तरमपि स्वत्वव्यवहारात्, दानादितः स्वत्वं नश्यति प्रतिग्रहादितश्चोत्पद्यते इति व्यवहाराच्च। इति चेन्न। दानादिनाश्यस्य प्रतिग्रहादिजन्यस्य पदार्थविशेषस्यैव स्वीकारात्। तदपि बहिरिन्द्रियवेद्यं 'स्वं पश्यामी' त्यादिव्यवहारात्। अतिप्रसङ्गस्तु न। तत्साक्षात्कारे तदीयस्वत्वव्याप्यतदीययथेष्टविनियोज्यत्ववदिदमिति ज्ञानस्य हेतुत्वात्। अतस्तद्ग्रहे तदीययथेष्टविनियोज्यत्वे तदीयस्वत्वव्यभिचारित्वग्रहे च न तद्ग्रहः। एतेनानुमेयमेव स्वत्वं, स्वं पश्यामीति तु सुरभिचन्दनं पश्यामीतिवन्न लौकिकविषयतावगाहीति परोक्तमपास्तम्। तस्या अन्यत्र खण्डितत्वात्।

तत्र दानं द्विविधम्, दृष्टार्थमदृष्टार्थं च। द्विविधमपि द्विविधं प्रतिग्रहसहितं तद्रहितं च। यद्यपि प्रतिग्रहः स्वीकारमात्रं तथापि ब्राह्मणः प्रतिग्रहादिना धनमर्जयेदित्यत्र तिलतुरगादिप्रतिग्रहे दोषबोधकस्मृतिवाक्येषु च प्रतिग्रहशब्देनादृष्टार्थदत्तस्वीकार एवेति परितोषदत्ततिलतुरगादिस्वीकारे न कस्यापि दोषो नापि क्षत्रियाद्यर्जननियमानर्थक्यम्। पारितोषिकमेव दृष्टार्थमित्युच्यते। दाधात्वर्थश्च स्वस्वत्वनिवृत्तिपूर्वकपरमात्रस्वत्वापत्त्यनुकूलत्यागः।

न च त्यागस्य स्वत्वनिवृत्तिहेतुत्वेऽपि न परस्वत्वोत्पत्तिहेतुत्वं, प्रतिग्रहादेरेव तत्त्वादिति वाच्यम्। विप्रोद्देशेन त्यक्तमात्रायां गवि 'गौरियं विप्रस्य न ममे'त्यादिसर्वजनप्रतीत्या त्यागस्यैव तस्या अपि हेतुत्वाङ्गीकारात्। अत एव 'पितृभ्यः श्राद्धं दद्यादि'त्यादौ स्वत्वे पितृनिरूपितत्वस्य प्रतिग्रहाभावात्

बाधेऽपि उक्तरूपदाधात्वर्थे पितॄणामुद्देश्यत्वसत्त्वाच्चतुर्थ्युपपत्तिः । विदेशस्थपात्रमुद्दिश्य त्यक्तधनस्वीकारमन्तरेणैव पात्रस्य मरणेऽपि उद्देश्यपुत्रादिभिरेव पितृदायत्वेन तद्धनं विभज्य गृह्यते नान्यैरिति व्यवहारसङ्गतिश्च । अन्यथा तैरिवोदासीनैरपि तद्धनस्यारण्यककुशादेरिवोपादाने प्रत्यवायो न स्यात् ।

नचैवं प्रतिग्रहो व्यर्थ इति वाच्यम् । 'लब्धावष्टगुणं पुण्यमि'त्युक्तेस्तस्य तादृशप्रतिगृहीतधनदाने फलातिशयजनकत्वात् । मात्रपदं तु वक्ष्यमाणसंसृष्टिस्थलेऽसाधारणस्वत्वनाशोत्तरं साधारणस्वत्वोत्पादेऽपि ददातीति प्रयोगाभावसंक्षरणार्थम् ।

न च तत्र न स्वत्वनाश इति स्वत्वनिवृत्तिपूर्वकेत्यनेनैवातिप्रसङ्गवारणे मात्रपदं व्यर्थमिति वाच्यम् । तत्रापि स्वत्ववति स्वत्वानुत्पत्त्या पूर्वस्वत्वनाशाङ्गीकारात् । इच्छाया उत्तेजकत्वाङ्गीकारे तु गौरवम् । एतेन न तत्र स्वत्वनाशः, किन्तु परस्वत्वोत्पत्तिमात्रं स्वत्ववति स्वत्वोत्पत्तिस्तु तत्रत्येच्छायाः उत्तेजकत्वादित्यपास्तम् । न चैवमप्युपेक्षायां दोष एवेति वाच्यम् । तस्या नियमतः परस्वत्वानुपादकत्वेन ददातीति तत्र प्रयोगाप्राप्तेः । अत एव विक्रयस्थलेऽपि न तथा प्रयोगः । तस्य नियमतः परस्वत्वानापादकत्वात् । तादृशस्थले ऽनतिप्रसङ्गाय मूल्यदानपूर्वकस्वीकाररूपक्रयस्यैव स्वत्वजनकत्वात् । एवं च दानादीत्यादिपदेन तादृशक्रय इति तयोरेव तन्नाशकत्वं तज्जनकत्वं च । न चैवं प्रतिग्रहादिजन्यमिति व्यर्थमयुक्तं चेति वाच्यम् । लौकिककारकजन्यत्वेऽपि तत्प्रमाणगम्यत्वेऽपि शास्त्रगम्यत्वस्य तदीयहेतुजन्यत्वस्य च प्रतिपादनार्थं तदुक्तेः ।

तथाहि 'ब्राह्मणः प्रतिग्रहादिने'त्यादिना 'स्वामी रिक्थे'त्यादिना च प्रतिग्रहादेस्तत्वं स्पष्टमुक्तम् । न चान्त्येन तथोक्तत्वेऽपि आद्येनार्जने तस्य तत्त्वमुक्तं न स्वत्वे, अर्जनं च लाभापरपर्यायं द्रव्यप्राप्तिरूपं प्रागुक्तमेवेति वाच्यम् । प्रतिग्रहादिमताऽर्जनेन धनं स्वं कुर्यादिति वाक्यार्थेन तद्वत् तस्यापि तद्द्वारा एतज्जनकत्वलाभात् । अत एव याजनादिद्वारेण द्रव्यमर्जयतामितिप्रतिग्रहादिना द्रव्यार्जनस्य स्वत्वसाधनत्वमिति च व्याख्याकृतोक्तम् । तस्मात्प्रतिग्रहादिकमर्जनं च तद्वत् तत्साधकम् ।

तत्रायं क्रमः । संभवे आदौ त्यागः, ततः प्रतिग्रहः, ततोऽर्जनं, ततः स्वत्वम् । मध्ययोरसंभवे तु आद्यादेव । एवमन्यत्राऽपि । एवं च प्रतिग्रहादिजन्यमित्यत्र जन्यत्वं साक्षात्परम्परासाधारणम् । आदिना याजनाध्यापनविजयादिकृष्यादिसेवादिवत्तादृशत्यागस्य साधारणस्य रिक्थादेश्च तादृशक्रयघटितस्य ग्रहणम् । तत्र प्रतिग्रहादेस्त्यागक्रययोश्च तत्त्वमुक्तम् । प्रतिग्रहाधिगमयोरपि तद्वत्तत्वं स्पष्टम् । रिक्थशब्देन दायशब्दार्थघटकस्वामिसंबन्धमात्रं, संविभागशब्देन तादृशः प्रतिबन्धकाभावविशिष्टः स इति तयोरपि तत्त्वमविरुद्धं प्रागुक्तं चेति न कोऽपि दोषः । प्रागुक्तविभागस्तु न स्वत्वजनकः । तस्य शरीरे तन्निवेशात् । अत एव **गौतमा**दिना कारकहेतुषु न पठितः । विभागात्स्वत्वमित्यादिविचारोऽपि परमतस्य **गौतमी**ये संविभागशब्देन विभागः स च न प्रागुक्तरूपः किंतु प्रसिद्ध इति भ्रमस्य च निराकरणद्वारोक्तसिद्धान्तार्थप्रतिपादक एवेति न विरोधः । एवं च विभागाजन्यं दानक्रयनाश्यवद्विभागनाश्यं साधारणासाधारणोक्तनिमित्तप्रयोज्यं लोक-

प्रमाणप्रत्यक्षगम्यं भोगाद्यनुमेयं च स्वत्वमिति निष्कृष्टार्थ इति सर्वमनवद्यम् । स्पष्टं चेदं **मञ्जूषादा**विति तदाह । **सर्वमिति ।**

एवं सर्ववचनदोषपरिहारे कृतेऽवशिष्टं युक्तिविरोधरूपमपि प्रागुक्तं तृतीयदोषमुद्धरति । **यद्पीति । न ब्रूयादिति ।** अपहर्तुरेव स्वत्वात् यदि ब्रूयात्तर्हि मध्यस्थानां संशयो न स्यात् सुवर्णादिस्वरूपे इवेति शेषः । **स्वत्वहेत्विति ।** तादृशस्थले आवेदकवचनादन्यदीयमनेनापहृतमिति ज्ञानमात्रोत्पत्तावपि तस्याप्रमात्वेन विप्रतिपत्तिकारणात् वादिना तथाऽभिहिते प्रतिवादिना चान्यथाऽभिहिते मध्यस्थानाम् "अनेन अपहारलब्धमथवा क्रयादिलब्धम्" इति स्वत्वकारणभूतक्रयादिषु संदेहात्तत्कार्यभूतस्वत्वेऽपि संदेहसंभवादित्यर्थः ।

ननु स्वत्वस्य तत्त्वनिरूपणमत्र प्रकरणे नोपयुक्तं तद्गतलौकिकत्वालौकिकत्वयोर्विभागाद्यप्रयोजकत्वात् अत आह । **विचारप्रयोजनं त्विति । उत्सर्गेण** त्यागेन । न केवलं तावन्मात्रमित्याह । **जप्येनेति । इतीति ।** अनेन **मानवेन** त्यागविधानादित्यर्थः । पूर्वपक्षे आह **शास्त्रैकेति ।** गर्हितत्वं द्वेधा निषिद्धत्वमविहितत्वं चेत्याह । **असत्प्रतिग्रहेत्यादि ।** सिद्धान्ते तद्वचनविरोधं परिहरति । **तस्योत्सर्गेणेति ।** एवव्यवच्छेद्यमेव सूचयन्नाह । **तत्पुत्रेति ।** ननु दायत्वेन तत्त्वेऽपि परम्परया दोषसंबन्धोऽस्त्येव अत आह । **सतेति ।** वित्तलाभोपाया इत्यर्थः । अत्र दायपदेन रिक्थसंविभागयोर्ग्रहणं, लाभपदेन परिग्रहाधिगमयोः, जयेन दण्डस्यापि, प्रयोग इत्यनेन कृष्यादेः, कर्मयोग इत्यनेन सेवादेः प्रतिग्रह इत्यनेन तयोरपीति बोध्यम् ।

ननु प्रतिज्ञानुरोधेन प्रतिज्ञातविषयविचारो युक्तो नान्यथेति कथमत्र वैपरीत्यम् । न च कारणान्तरेणात्र तथा । तस्यादर्शनात् । न च हेतुहेतुमद्भावः । वक्ष्यमाणविचारस्य स्वत्वगतलौकिकत्वानपेक्षत्वात् । न च सूचीकटाहन्यायः । लौकिकत्वस्य बहुयुक्तिसाध्यत्वात् । अन्यस्य कस्यचिददर्शनाच्च । अतः कृतकरिष्यमाणविचाराववसरदुःस्थाविति चेन्न । स्वत्ववद्विभागस्यापि लौकिकत्वेन तद्गतनियमानामेवालौकिकत्वेन जन्मादेरपि लौकिकत्वेनोक्तरीत्या स्वत्वस्य लौकिकत्वे सिद्धे एव लौकिकविभागादिजन्यत्वस्य तत्र घटमानत्वं नान्यथेति कृतविचारो हेतुः करिष्यमाणविचारो हेतुमानिति तस्यैतदानन्तर्यमुचितमित्याशयात् ।

तदेतत् ध्वनयन्नाह । **इदानीमिति ।** तदनन्तरमित्यर्थः । तथा च उक्ताशयेनैवेदानीमित्यस्यात्रोक्तिरिति बोध्यम् । **इदं संदिह्यत इति ।** पूर्वं विचारप्रतिज्ञायामुक्तसंदेहानुवादपूर्वकं प्रतिज्ञातं प्रतिपाद्यते इत्यर्थः । यद्यप्युक्तप्रतिज्ञायां स्वस्यास्वस्य वेत्येव शाब्दः सन्देहस्तथाप्यार्थिकमुक्तमेवाह । **किं विभागादिति । तत्र** तयोर्मध्ये । **जातेति ।** जातपुत्रः कृष्णकेशोऽग्नीनादधीतेत्यनेनेति भावः । तत्र पुत्रशब्दोऽपत्यमात्रोपलक्षणम् । कृतैकशेषद्विवचनान्तेन बहुव्रीहिर्वा । कृष्णाः केशा यस्येत्यनेन पूर्ववयस्कत्वं, समर्थत्वमिति यावत् । एवंविधोऽधिकारी आधानं कुर्यादिति तदर्थः । नन्वस्य तद्विधायकत्वेऽपि विभागात्स्वत्वस्य कथमितो लाभोऽत आह । **यदि जन्मनेति ।** एवेन तद्व्यवच्छेदः । **उत्पन्नेति ।** तन्मात्रस्येत्यर्थः । तस्यापि द्रव्यस्वाम्येन द्रव्यस्य साधारणत्वादिति भावः । तदाह । **तत्स्वमिति । आधानादिष्विति ।** पतिपत्नीमात्रसाध्येष्वित्यर्थः । आदिना अवश्यकर्तव्यश्राद्धजातकर्मादिपरिग्रहः ।

ननु वचनात्तत्राधिकारो वक्ष्यमाण इति चेत्तर्हि निषेधस्य प्राप्तिपूर्वकत्वात्तत्र पक्षे प्रीतिदत्तस्य विभागप्राप्तिरेव नेति तन्निषेधस्यासङ्गतिरित्याह । **तथेति** । विप्रतिपत्तिरूपकारणान्तरनिरासायाह । **सर्वेति** । तत्र पक्षे ततः स्थिते एव स्वत्वे द्वयोर्दानप्रतिग्रहयोरधिकारात्तेनैव तत्सिद्ध्या विभागकारणाभावात्तदप्राप्तिरेवेति तदनुपपत्तिरित्यर्थः । ननु तद्वचनमेव खपुष्पायमाणम् । अतो **नारद**माह । **यथाहेति** । शौर्यभार्यासबन्धिधने इत्यर्थः । एवमग्रेऽपि । अत एव शौर्यादिना वाऽऽप्तमिति **बृहस्पति**र्विद्याप्राप्तं शौर्यधनमिति **व्यास**श्च सङ्गच्छते । **यस्येति** । यच्चेति पाठांतरं युक्तम् । **पैतृक इति** । पितुरागत इत्यर्थे पितुर्यच्चेति ठञ् ।

ननु सर्वानुमतिरेव यत्र न, तद्विषयकमिति नायं दोष इति चेत्, दोषान्तरमाह । **तथेति** । **वैष्णव**माह । **भर्त्रेति** । अत्र दानद्वैविध्यादाह ।**प्रीतीति** । सामान्येनेत्यादिः । तत्र पक्षे जातमात्रस्यापि स्वत्वसत्त्वात्तस्यानुज्ञायामप्यसामर्थ्यात् तद्द्रव्यस्य सर्वसाधारणत्वेन एकेन दातुमशक्यत्वात् प्रीतिदानस्याप्यसंभवात् तत्प्रतिपादकमिदं वचनं विरुद्ध्येतेत्यर्थः । ननु स्थावरादित्यस्योत्तरार्द्धोपात्तान्वय एव एवं स्यात्, स एव नेति न तद्ववचनविरोधः, किंतु अनुकूलमेव तदिति शङ्कते । **न चेति** । तथा चाशनादावसंबंधेन तदनिषेधेन प्रीतिदाने संबंधेन स्थावरांशे तन्निषेधेन तत्रैव वचनतात्पर्यं नान्यत्र तत्रेति तेन जन्मनैव स्वत्वं प्रतिपादितं भवतीति भावः । **व्यवहितेति** । एवमन्वये तथा स्यात्, स एव न, व्यवधानस्य प्रतिबन्धकत्वेन तदन्वयालाभात् । नन्वेवमपि वचनान्तरयोरव्यवहितान्वयेनैव स्थावरस्य प्रीतिदानप्रतिषेधाज्जन्मैव स्वत्वहेतुः, न विभाग इति आशयेनाशङ्कते । **यदपीति** । **इदं** द्वयम् । **नारदीयम्** । **प्रवालानामिति** निर्धारणे षष्ठी । यद्वा सामानाधिकरण्येनान्वयः । तत्र समानविभक्तिकत्वस्य तन्त्रत्वेऽपि समानवचनत्वस्यातन्त्रत्वात् । 'वेदाः प्रमाणमि'त्यादावन्यथाऽगतेः । व्युत्क्रमेण एवव्यवच्छेद्यं, न स्थावरान्यदपि, किन्तु स्थावरमेव । अत एव सर्वपदसार्थक्यमिति तत् उपलक्षणमिति सूचयन्नाह । **स्थावरेति** । एकत्वमविवक्षितमिति सूचनायाह । **सर्वस्येति** । एवमग्रेऽपि । **पितृप्रसादात्** लब्धानि । **सति** सत्यपि । **प्रसाददाने इति** विषयसप्तमी । **प्रतिषेधवचनमिति** । जातावेकवचनम् । एवमग्रेऽपि । ननु पैतामहे स्थावरे सर्वसाधारण्यं, तादृशेषु मणिमुक्तादिषु तु नेत्यर्धजरतीयमयुक्तम् । अत आह । **अतीते पितामहे** इति।तथा च वचननियम्यमेतदिति न दोषः ।

पूर्वपक्षमुपसंहरति । **तस्मादिति** । अयं भावः । अर्जनादर्जकस्य स्वं, तच्च तत्संबधिनां पुत्रादीनामपि विभागात्स्वामिनाशाद्वा स्वम् । तत्र स्वामिनि जीवति विभागः स्वत्वहेतुः । विनष्टे तु स्वामिनि तन्नाश एव स्वत्वहेतुः । तत्रान्योऽपि विशेषः, स्वामिसंबन्धिनः पुत्रस्य पौत्रस्य वा एकत्वे स्वामिनश्च विभक्तत्वे एकत्वे वा स्वामिनाश एवासाधारणः स्वत्वहेतुः । तेषामेव बहुत्वे तु स्वामिनाशात्साधारणं स्वं भवति विभागाच्च प्रातिस्विकमिति । एवं सति स्वामिनि तादृशे पितामहे नष्टे विभागात्प्राक् पितामहधने पितुः प्रातिस्विकस्वत्वाभावादेव पैतामहं स्थावरं न प्रीत्या दद्यादिति तत्स्थावरप्रीतिदाननिषेधो, न स्वोपार्जितस्य, येन जन्मनैव स्वत्वं स्यादिति । यतः स्वामिनाशोऽपि स्वत्वहेतुरतः पितरि मृते विभागात्प्रागन्यदीयद्रव्यमिवौदासीन्यविषयभूतं तत् द्रव्यं न भवतीत्याह । **अत एवेति** । तन्नाशस्यापि तत्त्वाङ्गीकारादेवेत्यर्थः । **पितुः** मरणात् । **प्रहीणेति** । निरूपकस्य स्वामिनोऽभावादिति भावः ।

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१ फ–तत्र पक्षे इत्याशयेनाह । २ फ–भवतीत्याह ।

एवमनेकपुत्रस्थले तदावश्यकत्वमुक्त्वैकपुत्रस्थले तदावश्यकत्वमाह । **तथैकेति** । तद्वदित्यर्थः । **प्रयाणात्** मरणात् । तादृशस्यैकपुत्रस्य स्वं[2] पितृमरणादेव पुत्रस्यापि स्वमिति न तद्विभागमपेक्षते इति वाक्यार्थः । एवव्यवच्छेद्यमेव नेत्यादिनोक्तम् । इतिः पूर्वपक्षसमाप्तौ ।

एवं पूर्वपक्षे स्थिते सिद्धान्तमाह । **अत्रोच्यते इत्यादि** । पूर्वसिद्धान्तस्यात्र हेतुत्वसूचनाय तमनुवदति । **लोकेति** । प्रकृते साधकं तदेवाह । **लोके चेति** । तस्य तत्स्वीकारे सोत्कर्षस्य तत्वमत्यावश्यकमित्याह । **नापह्नवमिति** । युक्त्यन्तरमाह । **विभागेति** । प्रोक्तमिदं प्राक् । **न प्रहीणेति** । नापि स्वत्वरहितेत्यर्थः । प्रसिद्धामित्यस्यानुषङ्गः । अत्र **गौतम**वचनमपि मानमाह । **तथोत्पत्त्यैवेति** । तथाशब्दः समुच्चये । उत्पत्त्यैव जन्मनैवांशे स्वामित्वात्तमर्थं लभेतेत्याचार्या मन्यन्ते इत्यर्थः । अस्वामित्वादिति पाठांतरम् । अर्थस्वामित्वमिति पाठान्तरं तु प्रचुरं युक्ततरं च । वचनाच्चेत्यपपाठः ।

मणिमुक्तेत्याद्यपि सिद्धान्तपक्षे एवोपपद्यते इत्याह । **मणीति । आदिना** वचनजातपरिग्रहः । एवं सफलयन् अस्य पूर्वपक्ष्युक्तमन्यार्थपरत्वं निराचष्टे । **न च पितामहेति** । अनु[3]पपत्तौ हेतुमाह । **न पितेति** । अयं भावः । स्वामिनाशस्यापि स्वत्वहेतुत्वेनातीते पितामहे तद्धने पितापुत्रयोः स्वाम्यस्य साधारण्येऽपि मण्यादिकं वचनात्पितुरेव स्थावरं तु साधारणमेवेति प्रागुक्तार्थो यदि तद्वचनात्प्रतीयेत तदा पूर्वोक्तव्यवस्था स्यात् । न च तथा । यदि पितामहोपार्जितमेव स्यात्स्थावरादिकं तदा तस्मिन् जीवति स्वोपार्जिते तस्य प्रभुत्वाभावबोधकतुरीयपादस्यानुपपत्तेः । तस्मादेवं वाच्यं, पितामहे जीवत्यपि स्थावरेषु सर्वसाधारण्यमिति अस्य तद्विषयत्वं तदुक्तमनुपपन्नमेवेति ।

नन्वेवं किंविषयं तद्वचनद्वयं येन प्रकृतार्थलाभोऽत आह । **पितामहस्य हीति । हि** यतः । **वचनं** वचनद्वयम् । तथा च जन्मना स्वत्वपरमेवं तद्वचनद्वयमिति भावः ।

ननु जन्मनैव स्वत्वे सर्वसाधारणत्वात्स्वस्य मणिमुक्तादेरपि कथं प्रीतिदानमित्याशङ्कायां प्रतिबन्द्या वचनादित्याह । **यथेति । परः** पूर्वपक्षी । उक्ताशयेनैवाह । **वस्त्रेति** । **अस्मन्मतेऽपि** सिद्धान्तमतेऽपि । **पित्रार्जितेति** । स्वार्जितेति पाठान्तरम् । तथा च स्थावरभिन्नं स्वोपार्जितं वस्तु अनुज्ञानार्हानुमतिं विनाऽपि पित्रा दातुं शक्यमिति भावः ।

नन्वेवमपि स्थावरस्य प्रीतिदानबोधक**विष्णु**वचनविरोध एवेत्यत आह । **यत्तु भर्त्रेति** । भर्तृकर्तृकपत्नीसंप्रदानकतद्दानेत्यर्थः । **ज्ञापनम्** । करणे ल्युट् । ज्ञापकम् । क्वचित्तथैव पाठः । **तत्स्वोपार्जितस्यापीति** । स्वोपार्जितेष्वपि स्थावरेषु अनुज्ञासमर्थानुमतिं विना दानानधिकारोऽन्यत्र तु नानुमत्यपेक्षेति भावः । एवं च भर्तृदत्ते स्थावरे यावज्जीवं निवासो, न दानविक्रयौ आवश्यककार्यं विना । अत्र भर्तृग्रहणात् श्वशुरदत्ते स्वातन्त्र्यमपि । अत एव–

बृहस्पतिः—

" स्थावरादिधनं स्त्रीभ्यो यद्दत्तं श्वशुरेण तु । न तच्छक्यमपाहर्तुं पुत्रैरपि हि कर्हिचित् " ॥

इति **विष्णु**वचनस्यैवमर्थपरत्वे हेतुमाह । **पूर्वोक्तैरिति** । बहुवचनेनानुक्तवचनसंग्रहो बोध्यः । तच्चाग्रे स्फुटीभविष्यति । वचनैरिति करणे तृतीया । अतो योग्यत्वनिश्चयादित्यत्र न समासानुपपत्तिः ।

१–ङ–फ–क–प्रायणात् । २ फ–स्वपितृमरणात् । ३ फ–अनुक्तत्वे । क–अयुक्तत्वे ।

आद्ययुक्तिं खण्डयति । **यद्प्यर्थेति** । वचनात्तत्राधिकार इत्यर्थः । सविशेषमुपसंहरति । **तस्मादिति** । स्थितमित्यत्रान्वयः । यद्यपीति शेषः । पितुरित्यस्य स्वातन्त्र्यमित्यत्रान्वयः । उक्तवक्ष्यमाणस्मृत्युक्तमाह । **आवश्यकेत्यादि** । आवश्यकत्वे हेतुमाह । **वाचनिकेष्विति** । श्राद्धादिष्वित्यर्थः । इदमुत्तरस्यैवाङ्गं वा । **स्थावरेति** । तदन्यद्रव्यस्य विनियोगे स्वातन्त्र्यमित्यर्थः ।

एवं स्थावरान्यत्रोक्त्वा स्थावरे सिद्धान्तमाह । **स्थावरेति** । वैलक्षण्ये **तुः** । **पारतन्त्र्यमेवेति** । पित्रादेरिति भावः । अस्यार्थस्य पर्यवसानतो न्यायतो लाभेऽपि वचनमपि अपवादकमस्तीति आह । **स्थावरमिति** । **द्विपदं** दासादि । **स्वयं** स्वयमपि । **अर्जितं**, तथापि तस्येति[1] शेषः । **असंभूय** असंपृच्छ्य । सुतेत्युपलक्षणम् । **अत एव सर्वानिति** । एकशेषस्तत्र प्राग्वत् । न केवलमेतावदेव किंत्वन्यदपीत्याह । **ये जाता इति** । **अजाताः** जनिष्यमाणाः । **कांक्षन्ति** यतोऽत इति शेषः ।

अस्येति । उक्तसामान्यवचनस्य विशेषवचनेनापवाद इत्यर्थः । 'स्थावरे' इति विषयसप्तमी । **आधमन**माधिः । समाहारद्वंद्वः । निमित्तविशेषमाह । **आपदिति** । वक्ष्यमाणार्थसिद्ध्यर्थमेवाह । **अस्यार्थ इति** । **अनुज्ञानादाविति** । तत्समर्थत्वे तु वक्ष्यमाणप्रकार इति न विरोध इति भावः । तथेत्यनेनोभयपरामर्शः । अपिना विभक्तसमुच्चयः । विशेषत इत्यस्य सर्वशेषत्वात् । ततोऽपि विशेषमाह **सकलेत्यादि** । **तदिति** । सकलकुटुम्बेत्यर्थः । विषयसप्तम्या फलितमाह । **स्थावरस्येति** । कुर्यादित्यर्ते एवैकत्वलाभे[2] पुनः एकार्थमाह । **समर्थ इति** ।

यथाश्रुते प्राप्तं **मनु**वचनविरोधं उक्ताशयेनैव परिहरति । **यत्तु मनुवचनमित्यादि** । **सपिण्डा इति** । प्रत्यासन्नोपलक्षणम् । **हि** यतः सर्वत्रेति दानादिविशेषणम् । तदपीत्यस्य व्याख्येयमित्यत्रान्वयः । **अपिः** पूर्व**विष्णु**समुच्चये । अत एव व्युत्क्रमेण व्याचष्टे । **अविभक्तेष्विति** । **मध्यकत्वात्**, साधारणत्वात् । **अनीशकत्वात्** । उभयत्र स्वार्थे कः । मध्यस्थत्वात्' अनीश्वरत्वात्' इति पाठान्तरम् । **सर्वेति** । अविभक्ताभ्यनुज्ञां विना दानाद्यसिद्धेरिति भावः । **व्यवहारसौकर्यायेति** । प्रतिग्रहीत्रादीनामिति भावः । **न पुनः** न तु । फलितमाह । **अत इति** । तथा चाभ्यनुज्ञानादावसमर्थविषयकं तत्, इदं तु तत्समर्थविषयकम् । किञ्च तत्समर्थेष्वप्यविभक्तेषु तद्विना दानादिकमेव नेति अवश्यं तदपेक्षेत्येतस्यार्थः । तत्समर्थेषु विभक्तेषु तु तदनुमतिं विना दानादिकोपपत्तावपि प्रतिग्रहीत्रादेर्व्यवहारसौकर्यार्थं तदपेक्षेत्येतस्य विषय इति नेदं सर्वात्मना दानाद्यधिकारनिरोधकम् । एकोऽपीत्यस्याप्यपवादकं, येन विरोधो भवेदिति भावः । "द्रव्यांशे विभक्तानामप्यविभक्तक्षेत्राद्युत्पन्नसस्यादिदानादावनुमतिं विनाऽधिकारप्रतिषेधार्थमिदमिति तु" **मदनः** ।

मनुवचनान्तरविरोधं निराचष्टे । **यदपीति** । स्वेति सर्वविशेषणं स्पष्टार्थं प्रत्यासत्तेरेव लाभात् । द्वन्द्वान्ते श्रूयमाणत्वादनुमतेः सर्वत्र संबन्धः । तत्र च भावे क्तः । चोऽग्रे योज्य इति षड्भिरित्यर्थः । तदेतत् प्रतिपादयन् यथाक्रमेणोपयोगं प्रदर्शयन्नादौ ग्रामजनानुमतेः फलमाह । **तत्रापि ग्रामानुमतिरिति** । **मनु**माह । **प्रतिग्रह इति** । **न पुनः** । न तु । 'दायादानुमतेरीति' जातावेकवचनम् । **उक्तमेवेति** । व्यवहारसौकर्यमित्यर्थः । हिरण्योदकेत्यादेर्विलक्षणोपयोगं वक्तुं सप्रतीकमाह ।

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१ क–तथाप्येतस्येति । २ क–कुर्यादित्यतेन एवैकत्वलाभे ।

हिरण्येति । ननु दानस्थले तयोर्दानसत्त्वेऽपि विक्रये तदभावाद्गमनस्य तत्रापि सत्त्वादिदमयुक्तम्, अत आह । **स्थावरे इति** । इदं द्वयं **मनु**वत् सप्रतीकम् प्राग्वत् । अपिना दानम् ।

एवं स्थावरे सामान्येनोक्त्वा विशेषमुभयत्राह । **पैतृके इति** । एतेन पितुर्निधनमेव स्वत्वकारणम् ।

"पितर्यूर्ध्वं गते पुत्रा विभजेयुर्धनं पितुः" (अ० १३ श्लो० २)

इति **नारदात्** । न जन्म । 'ऊर्ध्वं पितुश्च मातुश्चेति' **मनु**ना,

"पितर्युपरते पुत्रा विभजेयुर्धनं पितुः । अस्वाम्यं हि भवेदेषां निर्दोषे पितरि स्थिते ॥"

इति **देवलेन** च विरोधात् । न च 'भार्या पुत्रश्चे' त्यादिवदस्वातन्त्र्याशयमिदम् । तदानीं स्वामित्वे मानाभावात् । भार्यादिषु 'यत्ते समधिगच्छन्तीति' स्वत्वे सिद्धेऽयुक्तमस्वातन्त्र्यवर्णनम् । किंच स्वोपात्तेऽपि तेषामस्वामित्वे स्वधनसाध्यवैदिककर्मोच्छेदात् श्रुतिविरोधात् । तथा सति पितुरनिच्छयाऽपि विभागापत्तेश्च । जन्मनैव स्वत्वे मानाभावाच्च । अर्जनरूपतया जन्मनः स्मृतावनुक्तेः । तस्माज्जीवति पितरि विभागनिषेधार्थं न **मन्वा**दिवचनम्, अस्वार्थपरत्वापत्तेः । किंतु पित्रोः सतोः स्वामित्वमेव न । निधनपातित्यादौ तु स्वामित्वमिति प्राच्योक्तमपास्तम् । उक्तहेतुगणात् ।

इत्युपोद्घातः ।

पूर्वं कस्मिन्नित्यादिना प्रकरणार्थं संगृह्य तत्र कस्येत्यंशो महता प्रपञ्चेन प्रतिपादितः । इदानीमितरानंशान्प्रतिपादयितुं मूलमवतारयाति । **इदानीमिति** । मूले आवश्यकोपयोगीमूलानुक्तपूरणानन्तरमित्यर्थः । **तदिति** । त्रितयमित्यर्थः ।

याज्ञवल्कीये ११४ श्लोकः ।

पौनरुक्त्यादिदोषगणानुपपत्तिं परिहरन् व्याचष्टे । **यदेति** । चेदर्थोऽयम् । कुर्यादित्यत्र लिङर्थो न विवक्षितः । स च करणेच्छायां लाक्षणिक इत्याह । **चिकीर्षतीति** । आक्षेपादाह । **तदेति** । **इच्छया** स्वेच्छयैव । **विभजेत्** दायभागदानेन पृथक्कुर्यात् । तत्रावध्याकांक्षायामाह । **आत्मन इति** । तदनन्तरं तेषां मिथ ऐक्यं भेदो वेत्यत्र नाग्रहोऽस्येति भावः । सुतानित्युक्तेर्बहुभिन्ने न विभाग इतिशङ्कानिरासाय तदर्थमाह । **पुत्रमिति** । कृतैकशेषयोस्तेन पुनरेकशेष इत्यर्थः । अनुदात्तानामितिवत् । **निरंकुशेति** । अनियतत्वादित्यर्थः । **नियमार्थमिति** । शास्त्रीयत्वादिना । **मन्वा**द्येकवाक्यतयेदमुपलक्षणमित्याह । **मध्यममित्यादि** । साकांक्षत्वादाह । **विभजेदिति** । उपलक्षणत्वे मानं सूचयन्नाह । **श्रेष्ठादीति** । चस्त्वर्थे । अस्य व्याख्या त्वनुपदमेवाग्रे स्फुटा ग्रन्थे एव ।

ननु उत्तरार्धस्य पूर्वव्यवस्थापकतया योजने सर्वे वेति वासाङ्गत्येऽपि ज्येष्ठं वेति वाशब्दासङ्गतिः । पूर्वतो विकल्पबोधने एव तत्स्वारस्यात् । न च तथैवास्तां, पूर्वेणैच्छिकविषमविभागस्यैव प्रतिपादनादिति वाच्यम् । न्यूनाधिकविभक्तानामित्यनुपदवक्ष्यमाणमूलविरोधापत्तेः । अत आह । **वाशब्द इति** । **मानव**वक्ष्यमाणोद्धाररहितविषमविभागपक्षापेक्ष इत्यर्थः । तथा **च** तस्य तत्त्वे न तदसङ्गतिरिति भावः ।

तुर्यपादं व्याचष्टे । **सर्वे वेति** । समांशिन इत्यत्र प्रशंसायामिनिः । अत एव बहुव्रीहिणा न गतार्थत्वमित्याह । **समांशभाज इति** । प्राग्वदाह । **कर्तव्या इति** । पित्रेति भावः । अत्र

'विभागं चेत्कुर्यादि'त्यादिना यस्मिन्काले विभाग इत्यस्य संग्रहः, 'पिते'त्यनेन येन विभाग इत्यस्य, उत्तरार्धेन यथा विभाग इत्यस्येति बोध्यम् ।

विशेषमाह । **अयं चेति** । पितृकर्तृकविभागः । **पितृक्रमायाते तु,** द्रव्ये । **समस्वाम्येति** । तस्य च समविभागे एव तात्पर्यम् । अन्यथोक्तरीत्या तदानर्थक्यमेवेति भावः । **इच्छया,** पितुः । यद्यप्ययं समोऽपि स्वार्जितविषय एव तथाप्यग्रे तस्यैव प्रतिपाद्यत्वेन तदंशे विशेषाभावात्तदनुक्तिरिति बोध्यम् । अत एव'विभजेदिति'साकांक्षमाद्यमुक्तं, द्वितीयं तु तत्रैव तदन्यपक्षद्वयसाधारणम् । अत एव तथोक्तं सर्वे वेति । तच्च तत्र पक्षद्वये समविभागे एव । चत्वारो विभागस्य कालास्तत्राद्यो मूलकृतोक्त इति प्रतीकपूर्वकमाह । **विभागं चेदिति । यदेति** । जीवत्येव तस्मिन्निति भावः । द्वितीयं तदनुक्तं स्वयमाह । **अपरोऽपीति** । कालोऽस्तीति शेषः। तमेवाह । **जीवत्येवेति । निवृत्तेति** । स्त्रीसुखानाभिलाषिणीत्यर्थः । **पितुरिति** । विभागे इति शेषः । **अनिच्छायामपीति** । यदा पुत्रेच्छा तदेति शेषः । मूलानुक्तत्वादत्र मानमाह । **यथा नारदेनेति** । दर्शित इत्यत्रान्वयः । **अत इति** । अत्र पितुरित्यस्य धनमित्यत्रान्वयः । अत ऊर्ध्वमित्यस्य मातापितृमरणोत्तरमित्यर्थः ।

"ऊर्ध्वं पितुश्च मातुश्च समेत्य भ्रातरः समम् । भजेरन्पैतृकं रिक्थमनीशास्ते हि जीवतोः ॥"

इति **मनूक्तेः** (अ० ९ श्लो० १०४) । तदाह **पित्रोरिति । प्रत्तासु** विवाहितासु । वाऽपीति पाठः । रमणं स्त्रीसम्भोगः । तदिच्छानिवृत्तौ सत्याम् । स्पृहा द्रव्यविषया बोध्या । अत्र तदुक्तेः फलमाह । **अत्रेति** 'मातुर्निवृत्ते' इत्यत्रेत्यर्थः । अनेन साकांक्षत्वं निरस्तम् । मूलोक्त**नारदीय**स्वयमुक्तनारदप्रथमोक्तपक्षान्प्रथमद्वितीयतृतीयान् व्युत्क्रमेण मुन्यन्तरसंवादेनाह । **गौतमेनापीति** । 'तृतीय' इत्यनेन 'दर्शित' इत्यस्यानुषङ्गसहितेनास्यान्वयः । **ऊर्ध्वमिति** । पित्रोरिति शेषः । पितुरिति प्राग्वत् । **वापीति** पक्षान्तरे । एवं **नारद**वाक्येऽपि बोध्यम् । वेच्छतीत्यत्राप्येवम् । **तृतीय इति । गौतमेन** कालो दर्शित इत्यर्थः । प्रकृतक्रमे तु अस्याद्यत्वं बोध्यम् । एवं स्वयं पक्षद्वयमुक्तम् ।

अथ तृतीयं कालमाह । **तथेति** । निरितिपाठे तु दर्शित इत्यन्तेन **गौतम**समाप्तिः । एवं कालद्वयं स्वयमुक्त्वा तृतीयमाह । **जीवति वेच्छति तृतीयस्तथेति** । पितरि जीवत्येवेच्छति च विषयाभिलाषुके च सति तृतीयस्तथा तृतीयोऽपि विभागकाल इत्यर्थः । तमेवाह । **सरजस्कायामिति** । वस्तुत आद्यपाठ एव तथा व्याख्यातो व्याख्यात्रभिमत इति बोध्यम् । **अनिच्छत्यपीति** । विभागमित्यादिः । **दीर्घेति** । अचिकित्स्येत्यर्थः । **चेन** वृद्धत्वसमुच्चयः । यदि पुत्रेच्छा तदेति शेषः । अस्यापि मूलानुक्तत्वादाह । **यथाह शंख इति । अकामे** विभागमनिच्छति । **विपरीतचेतसीति** । अधर्मवर्तिनीत्यर्थः । 'रोगिणी'त्यत्र भूम्नि इनिः । वेतीत्यनेन विकल्प उक्तः । एवं प्रागपि बोध्यम् । एतेन "कालद्वयमेव पितुरिच्छा तन्निधनं च, न तृतीयोऽपीति मातुर्निवृत्ते रजसीति पितामहादिधनविषयम्" इति प्राच्योक्तमपास्तम् । **शंखादिविरोधात्** । तस्य तन्मात्रविषयत्वे मानाभावात् । तत्त्वेऽपि तत्त्वसंभवाद्युपक्रमविरोधाच्च । एवं चैवं कालत्रयं पितामहधनेऽपि बोध्यम् । एतेन तत्रान्यथाव्याख्यानं तदुक्तमपास्तम् ॥ ११४ ॥

विभाग आद्यः । **दर्शितः** मूलकृता । समस्यैव सिद्धान्तयिष्यमाणस्य मूलेष्टत्वमपि सूचयन् व्युत्क्रमेणाह । **सम इति । तत्र** तयोर्मध्ये ।

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१ कऽन्यथोक्तम् ।

याज्ञवल्कीये ११५ श्लोकः ।

यद्यर्थमाह । **यदेति** । फलितमाह । **सर्वानेवेति** । लिङर्थाविवक्षयाऽऽह । **करोतीति** । **पत्न्यश्च,** ता अपि । अत्र बहुवचनेन पत्नीपद्स्वारस्येन च सुतसापत्नमातुरपि विभागः सूचितः । इदमग्रे स्फुटीभविष्यति । समांशका इत्यत्र अलौकिकप्रक्रियावाक्ये समासान्तप्रवृत्त्या तदा तत्र टाबभावान्नेत्वमिति ध्वनयन्नाह । **समांशभाज इति** । 'समांशिका' इति पाठे तु वैकल्पिकत्वात्कबभावे टापि स्वार्थिके कनि कथंचिदिष्टसिद्धिः । **विष्णु**रपि, 'मातरः पुत्रभागानुसारिभागहारिण्य' इति ।

यासामिति शेषे षष्ठी तत्रेत्याह । **यासां पत्नीनामिति** । एवमग्रेऽपि वक्ष्यति **योगीश्वर** एव आधिवेदनिकस्थले । तथा च स न्यायः सर्वत्रान्यत्र बोध्यः । अत एव अर्धशब्दो न समांशविभागपरः किन्तु यावता समत्वं तत्पर इति बोध्यम् । अस्य वचनस्य[1] विषमविभागे पत्न्यंशाभावे दंपत्योः पुत्रवद्विभागे च न तात्पर्यं गमकाभावादनियामकत्वाच्च, किंतु समांशे एव । एको वाशब्दो मिथो विकल्पे द्वितीयो वाशब्दो वक्ष्यमाणपित्रादिविकल्पे तत्रेत्यभिप्रेत्याह। **भर्त्रेति** । **स्त्रीधनं,** तत्त्वेन **मनु**मूलकृदादिना प्रतिपादितं वक्ष्यमाणं रिक्थादिभिन्नम् । नन्वेवं तद्दा[2]नेऽभावः स्यादत आह । **दत्ते त्विति** । तात्पर्यमयमेव विशेषः ।

तदेतदभिप्रेत्याह । **यदा श्रेष्ठेति** । उद्धृतोद्धारादिति बहुव्रीहिः । सुतानामिति भावः । समं स्यादश्रुतत्वादिति न्यायेनाह । समानेवेति । स्वं पत्नी । अत एव अत्र द्वितीये मानमाह । **यथाऽऽहेति** । 'गृहे यत्परीभाण्डं पीठमृन्मयदृषदादि उपकरणं, अलङ्कारश्च आभूषणं धृतं, तत् भार्याया, अंशे[3] इत्यर्थः । 'रथः पितुः परीभाण्डं च गृहे उभयं पितुः अलङ्कारो भार्याया ज्ञातिधनं चेत्येके इदं भार्याया' इति तु **हरदत्तः** ।

अत्र यदि कुर्यादित्यनेन पितुरिच्छया विभाग उक्तो न पत्नीच्छया । सोऽपि पुत्रांशपृथक्करणपर्यन्तो न स्वतः । 'जायापत्योर्न विभागो विद्यते' इत्यादिप्रागुक्ता**पस्तम्बा**दिना तत्र सहत्वोक्त्या तस्यासम्भवात् । "अर्द्धो वा एष आत्मनो यः पत्नीति" श्रुतेश्च । अयमेवाशयः 'अनीशास्ते हि जीवतोरिति' **मान**वस्य । पुत्रतस्तस्या अन्तरङ्गत्वात् । किन्तु बहुवचनादनेकत्वे पत्नीनां प्रतिपत्तिपुत्रांशतुल्यांशान्संगृह्य स्वांशेन सह स्थाप्याः । एवं च ताभ्यः पृथक्कृत्यांशो देय इति न[4] । अत एव समांशका इत्येवात्रोक्तं, न तु तद्वत् पत्नीश्च विभजेत् सममिति । अत एव धनविभागाभावे ना**पस्तम्बा**दितात्पर्यं, किन्तूक्ते इति प्राक्प्रतिपादितं प्रतिभूप्रकरणे व्याख्यात्रा । **मदनरत्ने**ऽप्येवम् । एवं च यथा जीवत्पितृकविभागे आद्यपक्षे एवमन्यपक्षद्वये दत्ते त्विति न्यायेन निर्वाहवत् पुत्रेच्छयैव पितृवाचिर्बाहो बोध्यः ॥ ११५ ॥

याज्ञवल्कीये ११६ श्लोकः ।

शक्तस्येत्यस्य व्याख्या **स्वयमेवेति** । शेषमाह[5] । **पित्रेति** । अस्यैव व्याख्या **अनिच्छत इति** । तत्पदस्वारस्यादाह । **असारमपीति** । अपिना सारस्यापि समुच्चयः । तत्र हेतुमाह । **तत्पुत्रेति** । **इति** हेतोरित्यर्थः ।

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१ फ-क-वचनस्यान्यत्र विषमविभागे । २ ख-तदर्थाने । ३ फ-उद्धारः । ४ क-फ-अंशो देय इति । ५ विशेषमाह ।

उत्तरसङ्गतिमाह । **ज्येष्ठं वेति । तत्र** तस्मिन्सति । उद्धारादीति तृतीयासमासः । अन्यथेत्यस्य प्राप्तेत्यादिः । शास्त्रोक्तेत्यनेन वक्ष्यमाणस्यापि संग्रहः । निषेधस्यास्पष्टत्वादाह । **निषेधार्थमिति ।** तत्तात्पर्यकमित्यर्थः । अन्यथा " विभागं चेत्पिता कुर्यादिच्छया विभजेत्सुतान् " इत्यर्थेनैव तृतीयकोटिसिद्धेरेतस्य **मनू**क्तोद्धाररहितविषमविभागपक्षस्य चानर्थक्यं स्पष्टमेव । एवञ्च ' पिता चेत्पुत्रान्विभजेत्तस्य स्वेच्छा स्वयमुपार्जितेऽर्थे ' इति **वैष्णवम् ।** ' प्रदानं स्वेच्छया कुर्याद्भागं चैव ततो धनात् ' इति **बार्हस्पत्यम् ।** " पिता चैव स्वयं पुत्रान्विभजेद्वयसि स्थितः । ज्येष्ठं श्रेष्ठविभागेन यथा वा स्वमतेन तु " ॥ इति **नारदीयं** (अ० १३ श्लो० ४) च व्याख्यातृवर्णितमूलाशयकमेव । एतेन "इदं पृथगैच्छिकविभागपरं नोद्धारादिविभागपरमिति " इच्छया विभजेत् सुतानित्येतत्परमिति **विष्णुनारदा**दिविरोधात्तथा **विज्ञानेश्वर**व्याख्यानं चिन्त्यमिति **मन्दो**क्तमपास्तम् । यत्तु तेन यदपि **मनुः** पुत्रेभ्यो दायं व्यभजदित्यविशेषेण श्रूयते इति समविभागसाधकं विषमविभागनिषेधकं चोक्तं तदपि "नित्यानुवादमविधिमाहुर्न्यायविदः" इत्यनेन निराकृतमित्युक्तं तत् तत्सूत्रादर्शनमूलकमान्ध्यसूचकम् । तस्यान्यनिराकरणपरत्वं तत्र हि स्पष्टं प्रागुक्तं च । एतेन स्वार्जिते पितुरैच्छिकवैषम्यमपि शास्त्रीयत्वेन धर्म्यमित्यपि तदुक्तमपास्तम् ।

" जीवद्विभागे तु पिता नैकं पुत्रं विशेषयेत् । निर्भाजयेन्न चैवैकमकस्मात्कारणं विना " ॥ इति ।

कातीयं तु निर्दोषपुत्रपरमिति तदपि न विरुद्धम् । भवदभिमतासाधकं च । न्यूनाधिकशब्दो विभागपर इत्याह । **न्यूनेति** । अत एव—

" समन्यूनाधिका भागाः पित्रा येषां प्रकल्पिताः । तथैव तैः पालनीया विनेयास्ते स्युरन्यथा " ॥

इति **बृहस्पतिः ।**

" पित्रैव तु विभक्ता ये समन्यूनाधिकेन च । तेषां स एव धर्म्यः स्यात्सर्वस्य हि पिता प्रभुः " ॥

इति **नारदश्च** (अ० श्लो० १३ । १५) सङ्गच्छते । धर्म्य इत्यस्य व्याख्या **शास्त्रोक्त इति ।** अत्रासम्बद्धत्वाद्बहुशेषपूरणेन व्याख्यातम् । नन्वेवं तन्निषेधानुक्त्या प्रतिज्ञाभङ्गः, अत एवव्यवच्छेद्यमाह । **अन्यथा त्विति ।** तस्याशास्त्रोक्तत्वे[1] त्वित्यर्थः । ' अयथाशास्त्रेति ' पाठः । अन्यथेति पाठेऽपि स एवार्थः ॥ ११६ ॥

एवं पितरि जीवति विभागस्य कालत्रयमुक्तम् । अस्य पितरि जीवतीत्येतत्तात्पर्येणोक्तवचनेनैव संग्रहः । अधुना तन्मरणानन्तरमपि चतुर्थो विभागकालः तत्र सम्मतिमाह । यथाहेति इति प्रतिपादकं मूलमवतारयति । **इदानीमिति ।** तत्कथनानन्तरमित्यर्थः । एवं च **मुनिना** तेषां द्विधैव संग्रहः कृतः, पितृजीवनोपलक्षितः तन्मरणोपलक्षितश्च । तत्र पितरि जीवतीत्यत्र त्रयः पक्षाः पित्रिच्छा तदनिच्छा च अन्त्याऽप्युक्तरीत्यां द्विधेति बोध्यम् । 'सर्वे वा स्युः समांशिन' इत्यनेनापि सूचितमिदम् । अतस्तत्र पक्षद्वयं समविभागे एवेति बोध्यम् । तृतीयेऽपि पूर्वतो विशेषमाह । **नियमं चाहेति ।**

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१ क-तस्य शास्त्रोक्तत्वे ।

ग्‌ ... ये ११७ श्लोकः [पूर्वार्द्धः]।

पिता च पिता चेत्यर्थनिरासायाह। **मातेति**। ऊर्ध्वमित्यस्य साकांक्षत्वादाह। **प्रायणादिति।** मरणादित्यर्थः। **सुता इति**। अत्रापि प्राग्वत् सुतश्च सुतौ च सुताश्चेत्येकशेषो बोध्यः। पितृव्यादितो विभागे आद्योपयोगो बोध्यः। कन्यासु विशेषस्य वक्ष्यमाणत्वादत्र पूर्वत्र च न कन्याया ग्रहणमिति बोध्यम्। ननु एवकाराभावेन तावन्मात्रोक्त्या कथं नियमलाभः। अतो नियमस्वरूपमेव निष्कृष्याह। **सममेवेतीति**। 'सर्वं वाक्यमिति' न्यायेनेति भावः। अभेदभ्रमनिरासाय वक्ष्यमाणार्थसिद्ध्ये च व्याचष्टे। **रिक्थमिति**।

ननु जीवद्विभागे आद्यपक्षे मूलेन विषमविभाग उक्तः, पित्रोरूर्ध्वं विभागे **मन्वादिभिः** स उक्त इति तयोरुभयप्रामाण्याद्विकल्पे समविषमविभागयोर्न्याय्ये सममित्यस्य सममपीत्येव व्याख्यानमुचितं, न तु सममेवेतीति। तथा च प्रकारनियमपरतया व्याख्यानमयुक्तमिति शङ्कते। **ननूर्ध्वमित्यादिना नियम्यते इत्यन्तेन**। **ऊर्ध्वमिति**। प्रागुक्तमिदं तस्य तदूर्ध्वत्वप्रतिपादकमिदं लिखितम्। एवमग्रेऽपि। **पित्र्यं** पितुरागतम्। **अशेषतः** सार्वविभक्तिकः प्रथमान्तात्तसिः। **शेषाः** ज्येष्ठभिन्नाः। **उपजीवेयुः** पितृवत्तस्यानुसरणं कुर्युः। इदं ज्येष्ठेन जातमात्रेणेति च **मानवम्**।

"बिभृयाद्वेच्छतः सर्वान् ज्येष्ठो भ्राता यथा पिता। भ्राता शक्तः कनिष्ठो वा शक्त्यपेक्षा कुलस्थितिः॥ "सर्वेच्छया कनिष्ठोऽपि शक्तः सन् बिभृयात् परान्।" इति **नारदात्** (अ० १३ श्लो० ५) इच्छाविषयकम्।

एवं च **मानवे** ज्येष्ठत्वमुपलक्षणम्। इदं व्याचष्टे। **सर्वस्मात् द्रव्य[3]समुदायादिति।** विभजनीयादित्यर्थः। उद्धार इति शेषः। कर्मणि घञ्। उद्ध्रियमाण इति तदर्थः। योगरूढोऽयम्। तस्य मध्यमणिन्यायेनाग्रेऽप्यन्वय इति। चादिस्वारस्यादाह। **सर्वेति**। यद्यपि स्यादित्यपकर्षेणान्वयस्तत्र तथापि फलितमाह। **ज्येष्ठायेति**। तत्कर्तृभिरुदासीनैरित्यर्थः। मिथो वा। **इतीति**। तथोक्त्वा इत्यर्थकेन तेन मानवेन ततस्तथा कुर्वतां स दर्शित इत्यर्थः। एवमग्रेऽपि। ततोऽवशिष्टं द्रव्यं सर्वे समं विभज्य गृह्णीयुरिति भावः। प्रकारान्तरेण **मनू**क्तमेव विषमविभागमाह। **तथेत्यादिविभजतामित्यन्तेन**। तथेत्यस्य दर्शित इत्यत्रान्वयः। **एषां** ज्येष्ठादीनाम्। **इयं** वक्ष्यमाणा। अस्य व्याख्या। **ज्येष्ठस्येति**। इदमपि प्रकरणाज्ज्येष्ठादेः कर्तृत्वाच्च तदनन्तरपरमेवेत्याह। **पित्रोरिति**। नन्वेवमपि मूलानुक्तत्वान्नास्ति तत्र विषमविभाग इत्याशङ्कायां दृष्टान्ततयाऽऽह। **जीवदिति**। एतेनास्यात्रानुपयोग इत्यपास्तम्। **स्वयमेव** मूलकृतैव। एवं च मूलकृतः स नैवेष्टः क्वापीति दुर्वचमित्येतत्तात्पर्यकमिदमिति स्मार्तत्वाविशेषाद्विनिगमनाविरहात्तत्र तदभावो दुर्वचः। तदाह। **अत इति**।

सत्यमित्यादिना तत्सत्ताऽङ्गीकृतेत्यसत्त्वलक्षणमप्रामाण्यं निरस्तं यद्यपि तथाऽप्यननुष्ठानलक्षणमप्रामाण्यमेवेत्याह। **लोकेति**। ननु तस्य लोकविद्विष्टत्वेऽपि लोकतः शास्त्रस्य प्राबल्यात्कथमननुष्ठेयत्वम्, अत आह। **अस्वर्ग्यमि**[ति]। धर्म्यमपि लोकविद्विष्टं नाचरेत्, यतोऽस्वर्ग्यं तदित्यर्थः। अस्वर्ग्यत्वं तदभावे हेतुः। एवं च शास्त्रेणैव तथोक्तत्वान्नानुष्ठानं तस्येति भावः। अत्र स्मार्त्तं दृष्टा-

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१ ङ-इह। २ फ-अनुरञ्जनम्। ३ धनसमुदायादिति मिताक्षरापाठः।

न्तमाह । **यथेति** । मौलमेवेदम् । श्रौतं तमाह । **यथा वेति** । मित्रावरुणदेवताकां वशां वन्ध्याम् अनूवन्ध्यां गामालभेतेत्यर्थः । इयमनूवन्ध्येष्टि**रापस्तम्बेन** सोमे उदवसानीयोत्तरमाम्नाता । सांप्रतं तेनैव तत्स्थाने आमिक्षाया उक्तत्वात्तदनुष्ठानं याज्ञिकानामिति बोध्यम् ।

एवं सामान्येनोक्तविषमविभागाभावः कलावेव न तु पूर्वत्र, दृष्टान्तबलेन तथैव लाभादिति सूचयन्सोद्धारविषमविभागः कलिनिषिद्धोऽपीति प्रतिपादयन् उक्तश्रौतस्मार्त्तदृष्टान्तयुतं विषमविभागप्रतिषेधकं स्मार्त्त**भाट्ट**वचनमप्याह । **उक्तं चेति** । **नियोगो** विधिः । यथा**ऽन्यः** श्रौतान्यो विधिवाक्यविहितधर्मो महोक्षाद्यालम्भनरूपो नेत्यर्थः । नेत्यस्योभयत्रान्वयः । 'धर्मो नो' इति पाठांतरे नियोगधर्मो'ऽपुत्रां गुर्वनुज्ञात' इत्यादिविहितो देवरादितः सुतोत्पत्तिरूपो बोध्यः । **नो** इति निषधे । **अनुबन्ध्येति** । वशालम्भनरूप इत्यर्थः । अपि वेति समुच्चये । **तथोद्धारेति** । सोद्धारेत्यर्थः । **अपि**ना द्वितीयसंग्रहः । **सम्प्रति** कलौ । अत एव **माधवीये ब्रह्मपुराणम्**–

"ऊढायाः पुनरुद्वाहं ज्येष्ठांशं गोवधं तथा । कलौ पंच न कुर्वीत भ्रातृजायां कमंडलुम्॥" इति।

आपस्तंबोऽपीत्यस्य निराकृतवानित्यत्रान्वयः । यदपि जीवन्नित्यतः प्राक् एकधनेन ज्येष्ठं पुत्रं तोषयित्वेत्युक्तं तथापि न तद्विषमांशपरं किन्तु तत्परितोषपरम् । अत एवैकेन प्रधानेन केनचिद्धनेन गवादिना ज्येष्ठं पुत्रं तोषयित्वा तृप्तं कृत्वेति व्याख्यातम् । तदेतदभिप्रेत्याह।**स्वमतमिति**। "क्षीबमुन्मत्तं" च परिहाप्य पुत्राभावे यः प्रत्यासन्नः सपिण्डः तदभावे आचार्य आचार्याभावेऽन्तेवासी हृत्वा तदर्थं धर्मकृत्येषु चोपयोजयेत्, दुहिता वा सर्वाभावे राजा दायं हरेतेत्युक्त्वा चेति शेषः। **कृत्स्नेति** । अत्र संवादि ज्येष्ठ एवेति **मनुः** । प्रागुक्त एव । **गौतमो**ऽपि "सर्वं वा पूर्वस्य स चेतरान् बिभृयादिति" । **देशेत्यादि** । कस्मिंश्चिद्देशविशेषे । "सुवर्णं कृष्णा गावः । **कृष्णं भौमम्** । कृष्णं भूमौ जातं भौमं धान्यमाषादि । कृष्णायसमित्यन्ये । इदं सर्वं ज्येष्ठस्य पुत्रस्यांशः । रथः यत् गृहे परीभाण्डमुपकरणं पीठादिकं तदपि पितुरंशः । धृतोऽलंकारो भार्याया अंशः। ज्ञातिभ्यः पित्रादिभ्यश्च यद्धनं लब्धं तच्च भार्याया अंश इत्येके मन्यन्ते" इति **हरदत्तः** । **विप्रतिषिद्धं** विरुद्धम् । **स्वयमेव आपस्तम्ब** एव । **मनुरिति** । **तैत्तिरीयश्रुति**वाक्यमिदम् । तत्र पुत्रेभ्य इति बहुवचननिर्देशाद्दायमित्येकवचननिर्देशाच्चाविशेषेण श्रवणमित्यर्थः। किञ्च तदग्रे, अथापि तस्माज्ज्येष्ठं पुत्रं धनेन निरवसाययतीत्येकवच्छ्रूयते, अथापि नित्यानुवादमविधिमाहुर्न्यायविद इत्युक्तम् ।

सिद्धान्तमुपसंहरति । [illegible] । **श्रुतीति** । **मुनि**रिति श्रुतीत्यर्थः । **सममेवेति** । अत एव जीवद्विभागे स एवोत्तरपक्षत्वेनोक्तः स एवाग्रेऽवलम्बितश्च । ज्येष्ठं वेति तु तद्युगान्तरविषयकम् ।

" जीवद्विभागे तु पिता नैकं पुत्रं विशेषयेत् । निर्भाजयेन्न चैवैकमकस्मात् कारणं विना ॥ "

इति **कातीय**मप्यत्रानुकूलम् । अत एव न्यूनाधिकेति प्रागुक्तस्य **नारदादे**श्च तथा कर्तव्यत्वे न तात्पर्यं किन्तु यदि विशेषादर्शी शास्त्रोक्तिमात्रेण दैवात्पिता शास्त्रोक्तप्रकारेण विषमविभागं करोति तदा न निवर्त्तते इत्यत्र तात्पर्यम् । परमतात्पर्यं तु प्रागुक्तमेव व्याख्यात्रेति न तद्विरोध इति बोध्यम् ।

यद्यप्यत्र पित्रोरूर्ध्वमित्युक्तं, मानवेऽपि 'ऊर्ध्वं पितुश्च मातुश्चे'त्युक्तम्, इत्युभयमरणानन्तर-काल एव लभ्यते, प्रत्येकमरणानन्तरमित्यर्थे तु पितरि जीवति मातृमरणोत्तरमपि विभागापत्तिः, तथा च पितरि मृते मातरि सत्यां इष्टविभागानापत्तिः, तथापि प्रागुक्तयथाश्रुत**गौतमात्** 'पितुरूर्ध्व-मिति' वक्ष्यमाणमूलाच्च पितृमरणमेव मुख्यं निमित्तम्। अन्वाचयशिष्टं मातृमरणम्। एवं च पितृ-मरणं मातृसत्वासत्वात् द्विविधमपि प्रमीतपितृकत्वेन गृह्यते इति तत्परमिदमिति न वक्ष्यमाण-विरोधः। यथा चाद्येन तत्तात्पर्येण त्रयाणां संग्रहः तथाऽनेन द्वयोः अत एव जीवत्पितृक-विभागः प्रमीतापितृकाविभागश्चेति द्वैधैवाभियुक्तव्यवहारो न तु प्रमीतमातृक इति तृतीयोऽपि। न 'चानीशास्ते हि जीवतोरिति' **मानवे** उक्तत्वादुभयमरणयोरेव निमित्तत्वलाभ इति तदेकवाक्यतया यथाश्रुतमूलसौष्ठवे कथं तत्परत्वमिति वाच्यम्। सर्वथाऽन्यथादुष्परिहरवक्ष्यमाण-विरोधपरिहाराय जायापत्योरित्याद्या**पस्तम्बस्य** धनविभागसत्त्वेऽपि पुत्रवत्पृथक्करणाभावे अर्धाङ्गत्वेन सर्वत्र सहत्वेन तात्पर्यस्य प्रागुक्तत्वेन तद्रीत्या पुत्रतः पत्न्या अन्तरङ्गत्वेन तस्या अपि तद्वत्साधारण-स्वत्वेन मातृसत्त्वे विभागाभावे यथेष्टविनियोगे स्वामित्वाभावस्तेषामिति **मनु**तात्पर्यात्। अयमेवाशयः 'पित्रोरूर्ध्वमिति' वदतो मूलस्यापि। 'अस्वतन्त्राः पितृमन्तो मातर्यप्येवमेवेति' **शंखस्यापि**।

"पितर्युपरते पुत्रा विभजेरन् पितुर्धनम्। अस्वाम्यं हि भवेदेषां निर्दोषे पितरि स्थिते॥"

इति **देवलात्**। यद्वा पितरि जीवति आस्तां तत् तदर्जितविषयम्। एवं मातरि सत्यां तद्धनविषयम्। किञ्च पित्रोरित्यस्याग्रे फलमनुपदं वक्ष्यते। एतेन 'दंपत्योर्धनविभागो नास्ति प्रागापस्तम्बेनानुक्तत्वादिति' **हरदत्तो**क्तमपास्तम्। एवं च पितरि मृते मातरि सत्यामपि विभागो-ऽस्त्येव। परं तु न स मात्रिच्छयेति न तस्यास्तत्र कदाऽपि कर्त्रीत्वमिति बोध्यम्।

तदयमर्थः। जीवद्विभागे त्रयः कालाः। पितुरिच्छा द्विविधा यदेति द्वौ। आद्ये पिता कर्ता, तदन्ययोः पुत्रः सः। अंशसाम्यं सर्वत्र। आद्ये मातुः पितुश्च समांशौ, एवं तदन्ययोरपि। तत्र मातुः स्त्रीधनादाने। दत्ते त्वर्द्धम्। मृतविभागे द्वौ कालौ मातृसत्त्वासत्त्वाभ्याम्। तत्र कर्ता पुत्रः। अंशसाम्यमेव। आद्ये मातुरपि समांशः। सर्वथा मातुरिच्छा न नियामिका, नापि तस्याः कर्तृत्वम्। इदमपि अस्थावरविषयं, शुद्धस्वार्जितविषयं, पैतामहमिश्रस्वार्जितविषयं च। शुद्धपैतामहे तु विशेषो वक्ष्यमाण इति न तत्र मातुरंश इति।

तथा च प्रमीतपितृकविभागः क्रमागतस्य पित्रर्जितरहितस्य, तन्मिश्रस्य, शुद्धपित्रर्जितस्य वा धनस्येति त्रेधा। पित्रर्जितस्यापि पाणिग्रहणतः पूर्वमूर्ध्वं वेति द्विधा। तत्राद्ये तद्विभागव्यवस्था-वाक्येषु— "पैतृके न विभागार्हाः सुताः पितुरनिच्छतः।

क्रमागते गृहे क्षेत्रे पितापुत्राः समांशिनः॥ न तत्पुत्रैर्भजेत्सार्द्धमकामः स्वयमर्जितम्।"

—इति **गौतमीये**।

"द्रव्ये पितामहोपात्ते स्थावरे जंगमेऽपि वा। सममी[illegible] पितुः पुत्रस्य चैव हि।

" पैतामहं हृतं पित्रा स्वशक्त्या यदुपार्जितम् । विद्याशौर्यादवाप्तं च तत्र स्वाम्यं पितुः स्मृतम् ॥
" प्रदानं स्वेच्छया कुर्याद्भोगं चैव ततो धनात् । तदभावे तु तनयाः समांशाः परिकीर्तिताः ॥ "

इति **बार्हस्पत्येषु** च पुत्राणामेव पित्रा सह भोगितया निर्देशात् तदन्यविभागपरयोरेव "यदि कुर्यात्" "पितुरूर्ध्वम्" इत्यनयोर्वाक्ययोर्मातुर्विभागश्रवणाच्च माता न विभागहरणार्हा । युक्तं चैतत् । विभागशब्दो हि भावव्युत्पत्त्या रूढ्या चान्यस्वाम्यसहभावेन विभजनीयार्थसामान्यस्थितस्य स्वस्वाम्यस्य तदसहभावेन तदेकदेशे व्यवस्थापनमभिधत्ते । श्वशुरादिधने च स्नुषादीनां न जन्मतः स्वाम्यम् । मिथः संबन्धस्य प्रागभावात् । भाविन एव तस्य जन्मान्तरसाधारण्येनातिप्रसञ्जकत्वात् । नापि पाणिग्रहणतः । उत्तरपरिग्रहे एव ततः साहित्यसिद्धेः । नापि भर्तृमरणतः । तस्य तदजनकत्वात् । तत्वे वा पुत्रस्वाम्येन प्रतिबन्धात् । अन्यथाऽपुत्रस्वपितृव्यपत्नीनां पौत्राणां च मिथो विभागप्रसक्तेरनेकपितृकाणामिति मूलं विरुध्येत । अत एव पाणिग्रहणतः प्राक् पित्रर्जिते द्रव्येऽपि न मातुर्विभागः । "सममंशं हरेदिति" सिद्धस्वाम्यस्यैव हरणप्रतीतेः । असिद्धस्वाम्ये हि दद्यादामुयादित्यादिकमेव युक्तमिति बोध्यम् । स्थावरे उभयविधेऽपि सत्सु पुत्रेषु तत्स्वाम्यस्य वक्ष्यमाणदिशाऽपायसंभवाच्चेति केचित् ।

ऊर्ध्वं तु पित्रर्जितं स्थावरमस्थावरं चेति द्विधा । तत्र केचित् । तत्र 'यद्यपि माताऽप्यंशं समं हरेदिति' उभयसाधारणं तथापि 'न दत्तं स्त्रीधनमि' त्यस्यात्राप्यन्वयादस्थावरे एव पर्यवस्यति । तथा हि । कारकविभक्तिस्तावन्नैरपेक्ष्यं गमयत्युत्सर्गत इति सर्वसंमतम् । एवं भर्त्रा श्वशुरेण वा निरपेक्षेण यस्यै न दत्तोऽशः सा अंशं हरेदित्युक्तौ यस्यै निरपेक्षेणामुनाऽमुना वा यद्दत्तं तस्याः स एव तादृशो भागो नान्य इत्युक्तं भवति । सोऽयं यदि पुत्रांशेन समस्तदा पूर्वं दत्तोऽप्यसाविदानीं वैभागिको भवति । यद्यधिकस्ततस्तदा तत्सम एव वैभागिकोऽधिकस्तु दत्त एव । अत एवाऽननुमतदत्ते तस्मिन् अकिञ्चित्करतया स्थितस्य पुत्रस्वामित्वस्य पुत्रांशसमानादेवांशादिदानीं निवृत्तिर्न त्वधिकारात् । यदि न्यूनस्तदा मात्रन्तरेण अवैषम्याय तादृशेन विभाज्यद्रव्येण समः कार्यः । अत्र च 'दत्ते त्वर्धं प्रकल्पयेदि'त्यस्य दत्तं यथा समम् अंशान्तरेण भवति तथा अंशतामापन्नं कुर्यादित्यर्थः । एवं च 'माता सममंशं हरेदि'त्यस्य पुत्रस्वाम्यासंसृष्टस्वाम्यकं कुर्यादित्यर्थः । तत्र स्थावरस्यायोग्यत्वादकर्मत्वम् । "भर्त्रा प्रीतेन" "मणिमुक्ता" "पितुः प्रसादात्" "स्थावरं द्विपदम्" इति व्याख्यातुक्तवाक्येभ्यः ॥

" सौदायिके सदा स्त्रीणां स्वातन्त्र्यं परिकीर्तितम् । विक्रये चैव दाने च यथेष्टं स्थावरेष्वपि ॥
" भर्तृदायं मृते पत्यौ विन्यसेत्स्त्री यथेष्टतः । विद्यमाने तु संरक्षेत् क्षपयेत्तु कुलेऽन्यथा ॥
" अपुत्रा शयनं भर्तुः पालयन्ती गुरौ स्थिता । भुञ्जीतामरणं दान्तां दायादा ऊर्ध्वमाप्नुयुः"॥

इति **कातीयाच्च** जीवत्सु पुत्रेषु क्रमागते इव पित्रर्जितेऽपि स्थावरे तत्स्वाम्यस्य सर्वथा निवृत्तेरवगमात् कालान्तरे स्वाम्यान्तरोत्पत्तौ गौरवात् । एवं सति च दानविक्रययोरनुत्पत्तिमीदृग्विधे विषये न दानं न च विक्रय इत्यादीन्यनुवदन्तीत्यपि लाघवम् । अन्यथा निषेधं कुर्वन्त्यतिक्रमे दुरितकल्पकानि स्युः ।

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१ क साहित्यासिद्धेः । २ क-पुत्रता (?) शेव ।

गौतमोऽपि—' मातरः पुत्रभागानुसारभागहारिण्यः। अनूढाश्च दुहितर ' इत्यत्र सुसदृशपर्यायं समशब्दमपहाय मन्दसदृशपर्यायमनुसारशब्दं प्रयुञ्जन् ऊढां दुहितरं च समुच्चिन्वन्नमुमर्थं द्योतयति स्म। मन्दसादृश्यस्यानूढासंस्कारस्य चास्थावरेणैव निर्वाहात्। मन्दसादृश्यमपि भागिभेदाद्भिद्यते इत्याह—

अङ्गिरा व्यासश्च—

" तदभावे तु जननी तनयांशसमांशिनी। समांशा मातरस्त्वेषां तुरीयांशा च कन्यका॥
" असुतास्तु पितुः पत्न्यः समानांशाः प्रकीर्तिताः। पितामह्यश्च ताः सर्वा मातृतुल्याःप्रकीर्तिताः "॥ इति।

जननी सवित्री। मातरोऽनपत्याः। कन्यकाऽनूढा भ्रातृभागचतुर्थांशं संस्काराय लभते इत्यर्थः। पितुरूर्ध्वमित्यत्र माताऽनपत्येति **हलायुधः। आपस्तम्बश्च** 'स्त्रियो भर्तुर्मातुः पुत्रेभ्यश्च भागं नेच्छन्ति ' इत्यादिकं तु साम्प्रतव्यवहारविरुद्धम्।

इत्थं च पत्न्यः कार्या इत्यादावपि स्थावरे भर्तृधने पत्न्याः पुत्रैः सह विभागासंभवादंशशब्दः स्थावरान्यपर एवेति न स्थावरांशः पत्न्याः। भर्तृदायो भर्तृस्वत्वेन स्त्रीस्वत्वाश्रयो द्रव्यम्। तच्च द्विधा। मृते भर्तर्यधिकार्यन्तराभावात्स्त्रीस्वत्वाश्रयो, जीवत्येव भर्तरि तत्संबन्धाश्रयेण वा स्त्रीस्वत्वाश्रयः। तत्र प्रथमे स्थावरादन्याद्वियुञ्जीत गुरुसमीपे स्थिता भर्तुः शय्यां पालयन्ती समयं क्षिपेत्। स्थावरमधिकृत्याह भुञ्जीतामरणादथ दायादा आप्नुयुः। द्वितीये त्वाह विद्यमाने तु संरक्षेत् व्यये भर्तुरनुज्ञां पालयन्ती तद्धनरक्षां कुर्यादिति **कातीयं** व्याकुर्वन्प्रकाशकारोऽप्यमुमेवार्थमनुमन्यतेस्मेत्याहुः। वस्तुतस्तु मूलाशुद्ध्या सर्वमशुद्धमित्युभयत्र तुल्यतैवेत्युक्तम्। स्फुटीभविष्यति चाग्रे इति दिक्॥

[illegible]ये ११७ श्लोकः। (तृतीयः पादः)

सङ्गतिमाह। **मातेति**। अनुवृत्त्या व्याचष्टे। **मातुरिति**। प्रकृतत्वादाह। **मातृकृतेति**। एतेन।

" पुत्रः कनिष्ठो ज्येष्ठायां कनिष्ठायां च पूर्वजः। कथं तत्र विभागः स्यादिति चेत्संशयो भवेत्॥
" एकं वृषभमुद्धारं संहरेत स पूर्वजः॥ ततोऽपरे ज्येष्ठवृषास्तदूनानां स्वमातृतः॥
" ज्येष्ठस्तु जातो ज्येष्ठायां हरेद्वृषभषोडशाः। ततः स्वमातृतः शेषा भजेरन्निति धारणा॥
" सदृशस्त्रीषु जातानां पुत्राणामविशेषतः। न मातृतो ज्यैष्ठ्यमस्ति जन्मतो ज्यैष्ठ्यमुच्यते॥
" जन्मज्येष्ठेन चाह्वानं सुब्रह्मण्यास्वपि स्मृतम्। यमयोश्चैव गर्भेषु जन्मतो ज्येष्ठता स्मृता॥ "

इति **मानवम्,** (अ० ९ श्लो० १२२।१२३।१२४।१२५।१२६)।

" समानजातिसंख्या ये जातास्त्वेकेन सूनवः। विभिन्नमातृकास्तेषां मातृतो भागकल्पना॥ "

—इति **व्यासीयम्।**

"यद्येकजाता बहवः समाना जातिसंख्यया। सापत्नास्तैर्विभक्तव्यं मातृभागेन धर्मतः"॥ इति **बार्हस्पत्यम्** " सवर्णा भिन्नसंख्या ये स्वभागस्तेषु शस्यते "।

इत्यौभयं च युगान्तरविषयमिति सूचितम्। एतेनोद्धारं विना समांशबाधकत्वेन विषमांशपरतया **व्यासपादादे**र्व्याख्यानमर्वाक्त्वादपास्तम्। स्मृत्यर्थाज्ञानात्।

नन्वस्य तदपवादत्वे शेषमृणादीति व्यर्थम् । न च मात्रंशे तत्साफल्याय तदुपादानमिति वाच्यम् । ताभ्य ऋते इत्येकवाक्यतया तस्य दुहित्रभावविषयतया साफल्यात् । अत आह । **अत-श्चेति** । तद्विशेषेणोक्तेश्चेत्यर्थः । ऋणापाकरणावशिष्टमातृधनेऽपवादवशात् दुहितृसत्त्वे तत्संबन्धित्व-लाभेन पुत्रकर्तृकविभागानर्हत्वेऽपि समत्वे न्यूनत्वे चावशेषाभावेनापवादाप्रवृत्त्या दुहितॄणां विद्यमानत्वे-ऽप्यनधिकारात्तत्र सामान्यवचनस्यैव प्रवृत्तिरिति भावः । ननु यथा दुहितृषु सतीषु ऋणावशिष्टं तत् पुत्रविभागानर्हं, तथा सति समं न्यूनं च सुतरां पुत्रविभागानर्हं, तस्यावश्यदेयत्वात्, अत आह । **एतादिति** । एवं च तैरेव गृहीत्वा ऋणं देयमिति भावः । एवं वाचनिकं वैषम्यं स्मृत्यन्तरलब्ध-युक्त्या समर्थयते । **युक्तमिति** । शुक्रे इत्यस्योभयत्रान्वयः । एतेन वैपरीत्यादिशङ्का निरस्ता । एवं चास्य तन्मरणोत्तरं पुत्रादिकर्तृकविषयत्वे पितरि जीवति पुत्रकर्तृकविभागवन्मातरि जीवति तद्धने जन्मतः स्वत्वेऽपि दुहितृकर्तृको न विभागो नापि मातृकर्तृको वचनाभावात् किंतु तया स्वेच्छया यद्दत्तं तत्तदीयमेव । अत एव वक्ष्यति 'पितृभ्यां यस्येति' । भार्या-धनमविभाज्यमिति प्रागुक्तं तत्तु तत्पदस्वारस्यात् पतिकर्तृकविभागविषयकमिति न विरोधः । तमभि-प्रेत्य विशेषमाह । **तत्र चेति** । दुहितृविषयेऽपीत्यर्थः । ननु दुहितॄणामित्यस्योक्ततुल्यार्थत्वेन सामा-न्येन तेनैव सिद्धेः अप्रत्तानामित्यादि व्यर्थमिति कथमस्य विशेषबोधकत्वमत आह। **अस्यार्थःप्रत्तेति** । प्रत्ता विवाहिता । अप्रत्ताऽनूढा । प्रतिष्ठिता सधना । अप्रतिष्ठिता निर्धना । तथा च तत्रापि विशेष-बोधकत्वान्न वैयर्थ्यमिति भावः । एवार्थचशब्दस्योभयत्रान्वय इत्याह **एवेति** ।

शङ्कते । **दुहित्रिति** । **क इति** । सामान्यवचनं त्वन्यविषयकमिति नात्र प्रवृत्तिरिति मन्यते । पदार्थमुक्त्वा वाक्यार्थमाह । **दुहितॄणामिति** । सूचितमेवाह । **एतच्चेति** । **सिद्धमिति** । अर्था-त्सिद्धमित्यर्थः । तद्वदयमपि तस्यैव विषय इति भावः ॥ ११७ ॥

याज्ञवल्कीये ११८।११९ श्लोकौ ।

अविभाज्यमिति । विभागदार्ढ्यायैव । अत एव प्रकरणसङ्गतिरिति भावः । अत्र वाऽपिशब्दौ विकल्पे । **चैवेति** चेति च पाठान्तरम् । पित्रित्यत्रैकशेषः उक्तयुक्तेरित्याह । **मातेति** । अत्र विरोधो नाश एवेत्याह । **द्रव्याविनाशेनेति** । **यदिति** । किंचिदिति शेषः । मूले तथैव पाठात् । अन्यदिति मूले पाठे अत्रापि अन्यदिति शेषः । पितृद्रव्यभिन्नमिति तदर्थः । तद्भेदानाह । **मैत्रमि-त्यादिना** । लिङ्गार्थाविवक्षयाऽऽह । **भवतीति** । एवमग्रेऽपि ।

'क्रमादिति' द्वितीयपद्यप्रतीकम् । अथ व्याचष्टे । **पित्रिति** । नन्वेवं पूर्वैरनुद्धारः कुतो न कृतो ऽत आह । **असामर्थ्येति** । अभ्यनुज्ञाया अभावे देयमेवेत्याह । **इतरेति** । तात्पर्यार्थमाह । **उद्धर्तेति** । एवमग्रेऽपि । तत्र विशेषमाह । **क्षेत्रे चेति** । **चस्त्वर्थे** । तत्र च क्षेत्रे इति पाठान्तरं युक्तम् । तेषां मध्ये तद्विषये इत्यर्थः । **सर्वेषाम्** उद्धर्त्रादीनाम् । **यथाभागमिति** । सर्वस्या भूमेस्तुर्यांशमुद्धर्त्रे दत्त्वा शेषं तेन सह सर्वे यथांशं गृह्णियुरित्यर्थः । क्रमादित्यस्योद्धरणान्वये फला-भावेन मूलैकवाक्यतया च क्रमादिति वचनस्थप्रतीकं गृहीत्वा शेषं पूरयति । **अभ्यागतमिति** ।

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१ अग्रे [१२२] श्लोकः ।

तुर्यपादं व्याचष्टे । **तथेति** । एवेत्यस्यात्रान्वयेनाह । **विद्ययैवेति** । विनिगमनाविरहात्स्मृत्यन्तरैकवाक्यतया चास्यार्थत्रयमाह । **वेदाध्ययनेनेति** । अस्य मुख्यत्वादिति भावः । चार्थमाह । **तदर्पीति** । एवं च तथा पाठ एव तत्संमतः ।

इदं चान्यत्, पितृस्वयंदायादिपदस्वारस्यात् भ्रातॄणां मध्ये एकेनार्जितविषयं सर्वविभागेषु एवं [illegible]दीयशौर्यविषयेऽपि बोध्यम् । एवं प्रकारेण पित्रर्जिते तु अग्रे वक्ष्यते ।

तत् स्वतन्त्रम् अव्यवहितविशेषणं सर्वविशेषणं वेत्येवम् उक्तं व्याख्यानं साधारणमपि प्रकरणसंगत्यर्थं स्वाभिमतपरमिति दर्शयति । **अत्र चेत्यादिना** । **अत्र च** मूलवाक्ये च । अन्यदर्थमाह । **किंचिदिति** । एवंपाठ एव वा । तत्र मन्वाद्येकवाक्यत्वार्थं च तृतीयम् । **सर्वशेष इति** । विभागानर्हत्वेन विशिष्य वचनोपात्तानां मैत्रादीनां सर्वेषां शेषोऽयमंश इत्यर्थः । **अतश्च,** तस्य सर्वशेषत्वे च फलितमाह । **तथा चेति** । विरोधेनेत्यस्य व्याख्या **प्रत्युपकारेणेति** । यद्वा प्रत्युपकारे विरोधो नाशो हेतुः अत एव तस्य प्रत्युपकारत्वम् । ब्राह्मे वाचनिकपितृद्रव्यविरोधाभावादाह । **आसुरादिति । पित्रा चेति** । अत एव सर्वविभागेष्वित्युक्तम् । **विभजनीयमिति** । अत एव विभागप्रकरणसङ्गतिः । स्पष्टार्थं वाच्यार्थमाह । **न तथेति** । पितृद्रव्याविरोधेनोपार्जितं मैत्रादि न विभजनीयमित्यर्थः ।

न केवलमिदं स्ववचनोपात्तसर्वशेषो ऽपि तु अन्यदपि स्मृत्यन्तरेषु यद्यद्विभाज्यमुक्तं तस्याप्ययं सर्वस्य शेषो मैत्रादीनामुपलक्षणत्वात् । एवं च तादृशमैत्रादेर्यथा विभाज्यत्वं तथाऽन्यस्यापीत्याह । **पितृद्रव्येति** । केचित् तन्न । तथा सति मैत्राद्यन्येषां स्मृत्यन्तरोक्तानामेव तत्वलाभेऽपि प्रतिग्रहार्जितस्यातत्त्वेन तत्र तत्त्वस्य दुर्वचत्वात् । तस्मादस्य तदन्यसर्वोपलक्षणत्वं वाच्यम् । यद्वा मैत्रादेस्तत्त्वे तुल्ययुक्त्यैतत्सिद्धिरित्याह । **पितृद्रव्येति** । क्वचिन्नरहितः पाठः । अयमेव युक्तो व्याख्यातृशैलीस्वरससिद्धश्च । पुनर्वाच्यार्थकथने फलाभावश्च । तदा तथेत्युत्तरशेष एव न स्वतन्त्रम् । किञ्चेति तदर्थः । आशयस्तूक्त एवेति युक्तोऽयम् ।

केचित्तु न तथेत्येव पाठः । तथाऽप्युत्तरशेषत्वमेव । न स्वातन्त्र्यमित्यर्थः । पितृद्रव्याविरोधेनेत्यस्य सर्वशेषत्वादेव वचनोपात्तमैत्रादिमात्रशेषत्वादेव यथा तद्विरोधेनोपार्जितानां मैत्रादीनां विभाज्यत्वं तथा मैत्राद्यन्यत्वात्पितृद्रव्यविरोधेन प्रतिग्रहोपार्जितस्यापि न विभाज्यत्वमित्यर्थः । तस्य तदशेषत्वेन स्वातन्त्र्ये तु तत्रापि विरोधेनोपार्जिते विभाज्यत्वापत्तिरिति भाव इत्याहुः । तन्न । अनुपदं वक्ष्यमाणतथेत्यादिग्रन्थविरोधापत्तेः । ग्रन्थशैल्यस्वरसाच्च ।

ननु तथैवास्त्विति तत्रेष्टापत्तिरिति माऽस्तु तस्य तच्छेषत्वामीति स्वातन्त्र्यमेवास्तु ब्राह्मणवसिष्ठन्यायेन तस्य मैत्रादिभिन्नपरत्वसम्भवाच्चात उक्तं द्रढयन् आह । **अस्य चेति** । तस्य तदशेषत्वे किञ्चित्पदादिस्वारस्याद्यद्यत्तद्विरोधेनार्जितं तत्सर्वमविभाज्यमित्यर्थस्य वचनव्यक्त्या लाभेन साधारणेनानेनैव तादृशप्रतिग्रहलब्धवत् तादृशमैत्रादेरविभाज्यत्वे सिद्धे पुनस्तदभिधानानर्थक्यमित्यर्थः । ब्राह्मणवसिष्ठन्यायस्य तु न अयं विषयः । सति गमकेऽन्यथानुपपत्तौ च तत्प्रवृत्तेः । नैवं प्रकृते भिन्नविषयतया । अन्यथा तत्साफल्यं शङ्कते । **अथेति** । अपिः पूर्वसमुच्चये ।

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१ क—वेत्यथ[illegible]विरोधो नाशो हेतुरुक्तम् । २ क—तत्वालाभेति ।

अविभाज्यत्वादिति फलरूपहेतौ पञ्चमी । तत्प्रतिपादनार्थतयेत्यर्थः । अविभाज्यत्वायेति पाठस्तु सुगम एव । **शिष्टाचारेति** । शिष्टाचाररूपप्रमाणविरोध इत्यर्थः ।

ननु श्रुत्यादीनां पूर्वपूर्वप्राबल्यस्योक्तत्वेन वचनादाचारस्य दुर्बलत्वेनेदमयुक्तम्, आचारेण स्मृतिकल्पनेऽपि क्लृप्तस्मृतेर्झटित्युपस्थितेः प्राबल्यमेवेति चेन्न । आशयानवबोधात् । तथाहि । बाधोऽगतिका गतिः । अबाधेनैवेति न्यायात् । सोऽपि न हि दुर्बलं दुर्बलमित्येव बाधते । किंतु विरोधे निरवकाशत्वे च । विरोधश्चैकत्र मिथो भिन्नोक्त्या नैवमत्र । 'अबाधेनैवोपपत्तौ बाधो न न्याय्य' इति न्यायेन मैत्रादिवचनस्यास्मदुक्तरीत्योपपत्तेः । अत एव न निरवकाशत्वमपि । एवं चानर्थक्यप्रतिहतानामिति न्यायेन विपरीतो बाध इति मदुक्तरीत्या[1] तस्य तथार्थकत्वे शिष्टाचारविरोधः सम्यगेवेति दिक् ।

न केवलमाचारविरोधोऽपि तु मैत्रायन्तर्गतविद्यालब्धविषये स्मृतिविरोधोऽपीत्याह । **विद्यालब्धे इति** । तदंशे इत्यर्थः । तदेवाह । **कुटुम्बमिति** । विद्याध्ययनं कुर्वतो भ्रातुर्योऽन्यो भ्राता तस्य कुटुम्बं पोषयति सोऽश्रुतोऽपि सन् वेदशास्त्राध्ययनरहितो मूर्खोऽपि सन् तस्माद्विद्याधनात्तदर्जितविद्यया लब्धाद्धनाद्भागमंशं लभेतेत्यर्थः । असुतोऽपीऽति पाठान्तरम् । अत्र कुटुम्बभरणस्य धनग्रहणे हेतुत्वोक्त्या औपाधिकी विद्याधनांशप्राप्तिर्न भ्रातृत्वेन स्वाभाविकीत्युक्तम् । यदि कथमप्यर्जितस्य विद्याधनस्य तत्त्वेनाविभाज्यत्वं मूलाभिमतं स्यात्तदा तद्धेतुकविभागकथनं नारदीयं विरुध्येत । तस्मात्तस्य स्वतो न तादृशस्य विभाज्यत्वाविभाज्यत्वे किं तु अविरोधेऽविभाज्यत्वं विरोधे विभाज्यत्वमिति विरोधस्वरूपमेव **नारदेन** हेतुत्वेनोक्तमिति सिद्धान्ते एकवाक्यता सिद्धा । मूले **पित्रि**त्युपलक्षणम् । किन्तु यदि स्वाभाविकी विद्याधनांशप्राप्ति**र्नारदा**भिमता भवेत्तर्हि तस्य हेतुत्वोक्तिर्निरर्थिका स्यात् । एवं च विद्याधनस्य यथाकथञ्चिदर्जितस्य न स्वतो विभागार्हता । अन्यथा पितृद्रव्यविरोधेनाप्यर्जितस्याविभाज्यत्वे अत्राप्यविभाज्यत्वमेवोचितमिति विभागकथनस्यैवासङ्गतिरिति भावः ।

अत्राश्रुतोऽपीत्यनेन सूचितम्, अश्रुते पित्रादिद्रव्यविरोध एव भागहेतुः । सश्रुते तु तद्वत्त्वं विद्यावत्त्वमपि भागहेतुः । अत एव—

कात्यायनः—

"नाविद्यानां तु वैद्येन देयं विद्याधनात्क्वचित् । समविद्याधिकानां तु देयं वैद्येन तद्धनम्" इति ॥

वैद्यो विद्यावान् । अयं च सिद्धान्तेऽविभाज्यत्वेन प्राप्तस्यापवादः । इदमनुपदमेव स्फुटीभविष्यति । एतेन **नारदीयं कातीयाप**वाद इति **मंदो**क्तमपास्तम् । कातीयेन अविभाज्यस्यैव तस्य लक्षणकरणात् । प्रकरणात् । तथैव च व्याख्यात्रोक्तम् । अन्यथा तद्विशेषणासङ्गतिरेव स्यात् । एवं च विद्याधनमन्यदपीति नारदादिविरोधो व्याख्यातुरिति बोध्यम् ।

ननु विभक्तभ्रातृस्थलेऽपूर्वार्थबोधकं तत् । किञ्च मैत्रादिवचनप्राप्तस्य सर्वथाऽविभाज्यत्वस्यापवादकं सिद्धान्ते तद्वत्ताद्विशेषे तदिति न विरोधोऽतोऽत्र दोषान्तरमाह । **तथाविद्येति । परेति** । पित्रादिभिन्नौदनाद्यभ्यवहरणेनेत्यर्थः । **अन्यतः** पित्रादिभिन्नात् । तथा च पित्रादिद्रव्याविरोधेन या विद्या तद्भिन्नाल्लब्धा तया यत्प्राप्तं धनं तद्विद्याप्राप्तं धनं नान्यत् ईदृशमेवाविभाज्यम् । अतोऽन्यथा तु तद्विद्याधनमेव नेति तद्विभाज्यमेवेति **कात्यायन**तात्पर्येण तथाऽर्थस्यैतद्विरुद्धत्वं स्पष्टमेवेति भावः ।

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[1] क-त्वदुक्तरीत्या । क-अस्मदुक्तरीत्या ।

तस्मान्नारदविरोधाभावेऽपि **कातीय**विरोधेन तथाऽर्थस्य दुर्वचत्वेन तथा सार्थक्याभावेन तस्य तच्छेषत्वे तदानर्थक्यदोषः सुस्थ एव ।

तत्र दोषान्तरमाह । **तथेति । प्रतिग्रहेति ।** पितृद्रव्याविरोधेनेत्यादेः तदा प्रागुक्तरीत्या यद्यत्पितृद्रव्येत्याद्यर्थेन अदृष्टार्थदानक्रियासम्प्रदानभूतस्यैव प्रतिग्रहीतृत्वेन प्रतिग्रहलब्धस्य पितृद्रव्याविरोधेनोपार्जितत्वस्यापि सम्भवेन तस्याप्यविभाज्यत्वापत्तौ वृद्धव्यवहारविरोध इति भावः । तस्मान्मैत्रादिसर्वस्मृत्युक्तविषये विरोधाविरोधकृतद्वैविध्येऽपि प्रतिग्रहविषये सर्वथा विभाज्यत्वमेवाचारसिद्धम् । तद्विषये स्मार्तनिषेधस्तु याजनाध्यापनलब्धवन्न क्वाप्युपलभ्यते इति तत्त्वम् ।

एतदेवेति । पितृद्रव्याविरोधेनोपार्जितस्य मैत्रादिशेषत्वमेवेत्यर्थः । **अनुपघ्नन्निति ।** अनुपयुञ्जन्नित्यर्थः । अत्र पूर्वार्धार्थः स्पष्टः । अनुपघ्नन्नित्यत्र विभक्तिविपरिणामेन तदनुपघ्नता यत् विद्यया लब्धं तत् पूर्वं चोभयमपि दायादेभ्यो न देयमित्यर्थेन पितृद्रव्यविनाशरूपविरोधाभावेन यद्विद्यालब्धं श्रमलब्धं च तदविभाज्यमिति सिद्ध्या मैत्रादिगणान्तर्गतविद्याधनस्य तथात्वात्तस्योपलक्षणत्वेन मैत्रादीनामपि तथात्वमाविष्कृतमिति भावः ।

मानवे—"स्वयमीहितलब्धं च नाकामो दातुमर्हति ।"

इत्युत्तरार्द्धपाठो, यच्च स्वयमीहितं वाञ्छितं सत् मित्रादिभ्यो लब्धं तदकामोऽनिच्छन् भ्रात्रादिभ्यो न दातुमर्हतीत्यर्थको **मेधातिथिकल्पतर्वादि**धृतो न युक्तः । अनेकस्मृतिव्याकोपापत्तेः । 'लब्धं तत्र' त्यर्वाचीनपाठस्त्वयुक्ततर एव । यद्वा । तदा तत् पैतामहविषयकमस्तु । एवं च भ्रातृभागशेषमाहानुपघ्नन्नितीत्यपि तदुक्तं तत्रेति ज्ञेयम् । आदिना कृष्यादि । तस्मात्पितृद्रव्याविरोधेनेत्यादिना वचनद्वयेन एकभ्रात्रार्जितं मैत्रादिकमन्यस्य नांश इति प्रतिपादितम् । पितृपददायादादिपदस्वारस्यात् । तथा च न पित्राद्यर्जितपरमिति सिद्धम् । एतेनायमाचारो भ्रातृस्नेहेन पौरुषबुद्ध्या वा अन्यत्र तथा दर्शनेन तन्मूलको वा ।

यत्किंचित्पितरीति **मानवस्यै** एवं तात्पर्यम् । 'पितेव पालयेत् पुत्रा' निति मानवात्पितापुत्रभावेन तद्वज्ज्येष्ठधने कनिष्ठाधिकारः । पित्रर्जितेऽविदुषामपि ज्येष्ठार्जिते तु विदुषामेवेति विशेषः । इदं च "पितरि प्रेते" इति "ज्येष्ठ" इति "यवीयसाम्" इति "विद्यानुपालिन" इति चोक्त्या लभ्यते । तस्मादविभक्तार्जितत्वमात्रेणाविभक्तभ्रात्रन्तरस्य भवतीत्युक्तमेवेति प्राच्योक्तमपास्तम् । यत्किंचिदित्यस्य वैयर्थ्यापत्तेः ।

ननु नैतद्युक्तं, पैतामहे पैतृके च धने पुत्रादेर्जन्मनैव स्वत्वेऽपि भ्रातुर्भ्रात्रर्जिते तदभावेन भ्रातृप्राप्तमैत्रादिधने यद्येन प्राप्तं तत्तस्यैवेति प्रसिद्ध्या विभागप्राप्तेरेवाभावेन तदविभाज्यमिति निषेधकवचनस्यैवोक्तस्यासङ्गतेरित्याशयेनाह । **ननु पितृद्रव्येति** । प्राप्त्यभावे हेतुमाह । **यदिति ।** यत इत्यादिः । एवं चान्यदीये स्वत्वमेव नेति भावः । अवक्तव्यत्वे हेत्वन्तरमाह । **प्रातीति ।** को ह्यर्थे ।

एकदेशिमतं दूषयितुं मैत्रादीनां विभागप्राप्तिं तन्मतेनाह । **अत्र कश्चिदिति ।** विभागप्रापकं **मनुवचनमाह । यत्किंचिदिति । अधिगच्छति,** प्राप्नोति । **तत्र** धने । **यवीति ।**

१ फ—न कोऽपि । २ फ—इतीत्यस्य । ३ फ—पुरुषबुद्ध्या । ४ का—फ—मानवस्य तु एवम् ।

यदि यवीयांसो **विद्यानुपालिनः** विद्यासंरक्षकाः विद्वांस इति यावदित्यर्थः । '**विद्यानुयायिन**' इति पाठान्तरम् । तुर्यपादेनेदं सूचितम्, यदि तेऽविद्वांसस्तदा नेति ।

तथा च **गौतमः** (अ. २८ सू. २८)। "स्वयमर्जितमवैद्येभ्यो वैद्यः कामं न दद्यादिति"। **नारदो**ऽपि (अ० १३ श्लो० ११)

"वैद्योऽवैद्याय नाकामो दद्यादंशं ततो धनात् । पित्र्यं द्रव्यं समाश्रित्य न चेत्तेन तदाहृतम्" ॥ इति ।

कात्यायनोऽपि प्रागुक्तः । अस्य वचनस्यार्थकथनेन मैत्रादिविभागप्राप्तिपरत्वमाह । **ज्येष्ठो वेति** । ज्येष्ठशब्दस्त्रयाणामुपलक्षणम् । **यवीयः**शब्दो ज्यायसामपि । **प्रेते** इति । अप्रेते इत्यस्यापि । तथा च कालद्वयमपि लब्धम् । तथा च ज्येष्ठाद्यन्यतमो यत्किञ्चिद्धनं यथाकथंचित् प्राप्नोति तस्माद्धनादन्येषामपि भ्रातॄणां पितरि स्थिते मृते च भागोऽस्ति यदि ते विद्वांस इत्यर्थपरेण तेन मैत्रादीनामपि विभाज्यत्वे प्राप्ते पितृद्रव्येत्यनेन निषिध्यते इत्यर्थः ।

मैत्रादिधनस्य वृद्धव्यवहारसिद्धस्यैवाविभाज्यत्वस्यानुवादकं मूलं, न निषेधकं, येन प्राप्त्यपेक्षा स्यादित्याशयेनाशङ्कां निराकुर्वन् तन्मतं खण्डयति । **तदसदिति** । **अत्र** मैत्रादिविषये । न केवलमेवमत्रैव अपि तु अन्यत्रापीत्याह । **लोकेति** । आद्येन एवेन शास्त्रसिद्धत्वव्यवच्छेदः । द्वितीयेन एवेन निषेधकत्वव्यवच्छेदः । क्वचिदन्यथाऽपि वक्ष्यमाणत्वादाह । **प्रायेणेति** ।

भवतु निषेधकम्, तथापि वचनान्तरेण प्राप्तिः न तदुक्तरीत्येति 'तुष्यतु दुर्जन' न्यायेनाह । **अथवेति** । **बार्हस्पत्य**माह । **समवेतैरिति** । सर्वाभिप्रायं बहुवचनम् । अत एवाह । **सर्वे इति** । **तत्र** धने । नन्वेवमपि विनिगमनाविरहोऽत आह । **अतश्चेति** । तव दुराग्रहस्य तथोपपत्तेश्चेत्यर्थः । **ज्येष्ठादीति** । अविवक्षायां कारणाभावात् । तथा च विनिगमकं स्पष्टमेवेति भावः । तदाह **व्यामोहेति** । नन्वेवं का तस्य सिद्धान्ते गतिः अत आह । **अत इति** । त्वदुक्तार्थासम्भवादित्यर्थः । **पितुरिति** । मरणादिति शेषः । अविभाज्यत्वेनेति छेदः । **उक्तस्य** मैत्रादिधनस्य । **इति** इत्यनेन । पितरि मृते ज्येष्ठेनार्जितान्मैत्रादिकात् भागं कनीयांसो लभन्ते यदि ते विद्वांस इत्यर्थस्तस्येति भावः । अत एव पितृद्रव्याविरोधिनापि ज्येष्ठो विद्यादिना धनमर्जयति तत्र कनिष्ठानामपि भागो यदि ते विद्याभ्यासरता इति **कल्पतरुमेधातिथि**प्रभृतयः । एवं प्रागुक्त**कातीयादे**रपि सिद्धान्ते तदपवादत्वं बोध्यम् ।

न्यूनतां निराचष्टे । **तथाऽन्यदिति** । अथान्यदित्यपपाठः । अपिना—

"विद्याधनं तु यद्यस्य तत्तस्यैव धनं भवेत् । मैत्रमौद्वाहिकं चैवं माधुपर्किकमेव च ॥"

इत्यस्य संग्रहः । मधुपर्कदानेन पूज्यतया यल्लब्धम् । **प्रचक्षते** इति । 'पुस्तकमिति' **मन्द**धृतपाठस्तु व्याख्यातृ**कल्पतरुमेधातिथ्या**द्यसंमतत्वादुपेक्ष्यः । वस्त्रमित्यादि क्रमेण व्याचष्टे **धृतानामित्यादिना** । मूले जातावेकवचनमिति भावः । एतेन वस्त्रपत्रालंकारोदकानामेकत्वं विवक्षितम् । 'वस्त्रं च सममूल्यम्, न तु महार्घमिति' **मेधातिथिकल्पतर्वाद्यु**क्तमपास्तम् । उद्देश्यविशेषणत्वात् । "धृतं वस्त्रमलंकार" इति **कातीये** धृतत्वस्यैव तदुभयसाधारणस्योक्तेश्च । तदेतदभिप्रेत्याह । **धृतानामेवेति** । एवेन अधृतव्यवच्छेदः । तत्र पुत्रादिस्थले आह । **यदिति** । लोकप्रसिद्धमपीदम् । अथ पितृस्थले आह । **पित्रिति** । **पितुः** मरणात् । **ऊर्ध्वमिति** । अनेन

१ क-फ-तदविवक्षायाम् ।

जीवद्विभागे स्वांशवत्तान्यपि पित्रैव ग्राह्याणीति सूचितम् । विभजतामिति 'कृत्यानामिति' (व्या. सू. २-३-७१) कर्तरि षष्ठी । पितुस्तदादिकं च यत्तदित्यन्वयः । आदिभ्यामन्यदुपकरणम् । अर्चने श्राद्धभोक्त्रैव कर्म । श्राद्धभोक्त्रे इति जातावेकवचनम् । तत्स्थानस्थितविप्रमात्राशयकं वा । तथाव्याख्याफलमाह । **अभिनवानी**ति । " सर्वं स्याद्वाहनं यानं युग्यं पत्रं च धोरणम् " (**अमरः** २-८-५८) इति ' पत्रं वाहनपक्षयोरिति ' (**अमरः** ३-३-१७९) च कोशादाह । **वाहनमिति । आदिना** गन्ध्यादि । **वस्त्रवदेव** श्राद्धभोक्त्रे देयम् ।

विशेषमाह । **अश्वादीनामिति ।** जीविनामिति प्राग्वत् कर्तरि षष्ठी । बहुत्वे सति तैस्ते विभजनीया इत्यर्थः । **ज्येष्ठस्येति ।** तस्यैव स भाग इत्यर्थः । अत्र वैषम्यमंशं प्रत्यपर्याप्तत्वरूपं न विषमसंख्यत्वम् । एवं हि एकं तस्मै दत्त्वा समसंख्यस्थलेंऽशविभागस्य पर्याप्तत्वात्तैस्ते विभाज्याः । विषमसंख्यस्थलविशेषे स्वरूपेण सर्वविभागस्य दुष्करत्वात् द्रव्यद्वारा विभागस्य च विक्रयनिषेधेन निषिद्धत्वादंशपर्याप्तान् विभज्य वैषम्येणावशिष्टमश्वादि ज्येष्ठायैव दद्यात् । तदसम्भवे तु सर्वं ज्येष्ठायैव देयम् । यथा चत्वारोऽश्वाः पुत्राः त्रयः पञ्च वेति । अस्मिन्प्रकरणे वैषम्यमेवमेव । तादृशाङ्गीकारे तु बहुव्याकोपः स्यादिति भावः । एवं रीतिरन्यत्रापि बोध्या । अव्यवहिते मानमाह । **अजाविक-मिति ।** पशुद्वंद्वैकवद्भावः । **भजेत्** विभजेत् । अत्र हेतुमाह । **अजेति ।** यत इत्यादिः । पत्र-शब्देन लेख्यनिविष्टं धनम् ।

" धनं पत्रनिविष्टं तु धर्मार्थं यन्निरूपितम् । उदकं चैव दाराश्च निबन्धो यः क्रमागतः ॥ "

इति **कातीयात् ।**

" विक्रीयवस्त्राभरणं ऋणमुद्ग्राह्य लेखितम् । कृतान्नं चाकृतान्नेन परिवर्त्य विवर्तयेत् । "

इति **बार्हस्पत्याच्चेति कल्पतरुः ।**

मूले सामान्ये नपुंसकमित्याशयेनाह । **अलंकार इति । धृत इति ।** अत्र सर्वत्र भृत-इत्यादि पाठान्तरम् । अर्थस्तुल्यः । अधृत इत्यस्य व्याख्या । **साधारण इति । विभाज्य एवेति ।** विभज्य एवेत्यपपाठः । यद्यपि " द्विवचनविभज्योपपदे " (व्या. सू. ५-३-५७) इति निपातनेन सोऽपि साधुस्तथाप्यपादाने एव नान्यत्र । न चैवं ' कृत्यल्युट ' (व्या. सू. ३-३-११३) इति प्राप्तस्य ण्यतो बाधेन कथं विभाज्यशब्दसिद्धिरिति वाच्यम् । णिजन्तात् " अचो यत " (व्या. सू. ३-१-९७) सुसाधत्वात् । न चार्थभेदः । "निवृत्तप्रेषणात् धातोः प्राकृतेऽर्थे णिजिष्यते ।" इति ' णेरणाविति ' (व्या. सू. १-३-६७) सूत्रे हर्यादिभिर्व्युत्पादनात् । निपातनान्यबाधकानीति तु न युक्तम् । ण्यति कुत्वस्य दुर्वारत्वात् । तत्पक्षस्यैवाभावाच्च । एतेन ' स्मृतिप्रयुक्तविभाज्यशब्दस्य साधुत्वं चिन्त्यमिति ' **हरदत्तो**क्तमपास्तम् ।

मनुमेवाह । **पत्याविति ।** अत्र पत्याविति स्त्रीभिरिति चोपलक्षणम् । अत एव यो येनेति पूर्वग्रन्थाविरोध इति बोध्यम् । **इति** इत्यत्र । उक्तविशेषे मानमाह । **अलमिति ।** एतेन धृत-स्तथैव स्थापितो विभागकाले पुत्रादिविभागमध्ये न देयः' किंतु पतिभागत्वेन यथा सैव परिदध्यात् । न तु पत्यौ जीवति यो धृतः स मृतेऽप्यविभाज्य इति अदृष्टार्थतापत्तेः । एतेन सर्वथा ऽविभाज्यत्व-मपि निरस्तम् । तत्सौन्दर्यलोभेन भजने तु पातित्यम् । जीवतीत्युक्त्या मृतेऽन्येनापि ग्रहणे न दोष इति **मन्दो**क्तमपास्तम् ।

फ-व्युत्पादिकत्वात् ।

'कृतान्न' मित्यत्र न कर्मधारयः । कृतशब्दवैयर्थ्यापत्तेः । किं तु अन्नेन कृतमिति राजदन्तादिः । अन्नशब्दो यौगिकस्तद्योग्यपर इत्याह । **तण्डुलमोदकेति** । तत्संबन्धिमोदकेत्यर्थः । **आदिना** अपूपादि । **यथेति** । किन्त्वित्यादिः । एवमग्रेऽपि ।

विषममिति । अनेन समत्वे विभागः सूचितः । एवमग्रेऽपि । उक्तहेतोः प्राप्तिमात्रमाह । **मूल्येति** । एवमग्रेऽपि । योग्यतया दास्य इत्युक्तेः फलं सूचयन्विशेषमाह । **अवरुद्धास्त्विति** । पित्राऽवरुद्धास्तास्त्वित्यर्थः । तत्स्वरूपमाह । **स्वैरीति** । अपिना विषमाणां समुच्चयः । समानामपि तासां तत्त्वे मानमाह । **स्त्रीषु च संयुक्तास्विति** । **संयुक्तासु** उपभुक्तासु अवरुद्धास्विति यावत् । तथैव पाठांतरं वा । किंतु मातृवत्पर्यायेण परिपाल्या इति भावः । संयुक्तानां विभागनिषेधाद्विवाहितानामर्थसिद्ध एवासौ । एतेन दासीतुल्यतया तासां व्याख्यानं **मन्दादि**कृतम्, अन्यतरपरतया तदन्यकृतं चापास्तम् । विनिगमनाविरहेणोभयोरपि ग्रहणात् । अत एव सामान्योक्तिः ।

क्षेमश्चेति । 'क्षेममस्त्रियाम्' **इत्यमरः** (१।४।२६) । समाहारद्वन्द्वः । **इष्टं** तदाख्यं, **पूर्त्तं** तदाख्यम् । अस्य साधारणत्वादाह । **पैतृकमिति** । अपिना पैतामहसमुच्चयः । तस्य तच्छेषत्वेऽप्येतदशेषत्वेन साधारण्यादेवाह । **पितृद्रव्येति** । अपिना ऽविरोधेनार्जितसंग्रहः । साधारण्ये मानमाह । **यथाहेति** । एतेन मैत्राद्यन्वयवदस्यापि तद्विशेषणं स्यात्, तुल्ययुक्त्या वा लभ्येतेत्यपास्तम् । सामान्येनानेन तस्य बाधात् । **मेधातिथिकल्पतरु**मतमाह । योगेति । तदन्यमतमाह । **छत्रेति** । सर्वपक्षे तदुत्पन्नो लाभो विषमश्चेद्विभाज्य एव ।

'योगक्षेमवतो लाभः समत्वेन विभज्यते ।' इति **बार्हस्पत्यात्** । योगक्षेमवतः तद्धेतोः ।

प्रचारशब्दे करणे 'हलश्चेति' घञित्याह(व्या.सू.३।३।१२१)। **गृहेति** । ननु गृहारामादिप्रवेशानिर्गममार्गस्याविभाज्यत्वोक्त्या गृहारामादेर्विभाज्यत्वं लब्धं, तच्च स्मृत्यन्तरविरुद्धमित्याक्षिपति । **यत्त्विति** । **व्यासो**ऽप्येवमानुपूर्वीक एव । 'न वास्तुनि विभागो विद्यते' इति **प्रजापतिरपि** । उक्तचतुष्टये संवादोऽप्यनेन दर्शितः । परिहरति । **तदिति** । अत्रादिशब्दग्राह्यो वैश्य एव न शूद्र इत्यग्रे वक्ष्यते । **बृहस्पति**माह । **न प्रतीति** । एतद्विशेषणफलमप्यग्रे वक्ष्यते । इदं च शब्दशक्तिस्वारस्यादिच्छया पितृकर्तृकविभागविषयम् । अत एव पुत्रकर्तृकविभागमात्रे तदभावोऽर्थसिद्धः पित्र्यद्रव्यविषये । पैतामहविषये तु वक्ष्यति । अत एव भूरत्र स्वयमर्जितं भूमिमात्रप्रधानं प्राकाराङ्कं क्षेत्रम् । भूरित्येतन्मात्रोक्तेः । गृहदानादितो भूमिदानस्य भेदेन कथनाच्च । एवं च क्रमागतस्य गृहादेर्वा नात्र ग्रहणम् । अत एव **बृहस्पतिः**—

"ब्रह्मदायं गतां भूमिं हरेद्यो ब्राह्मणीसुतः । गृहं द्विजातयः सर्वे तथा क्षेत्रं क्रमागतम् ॥" इति ।

ब्रह्मदायः प्रतिग्रहः । एवं चैतन्मूलकप्राग्लिखित**मदनो**ऽयुक्त एवेति ज्ञेयम् । न चैवं रीत्या व्यासविरोधपरिहारेऽपि प्रजापतिविरोधस्तदवस्थ एवेति वाच्यम् । तस्य बृहस्पतिवाक्यानुरोधेन प्रतिग्रहार्जितभिन्नगृहविषये स्वार्जिते विशिष्य निषेधकत्वात् । अत एवोक्तप्रजापत्यनुरोधेन **मानवे** योग-

१ फ–निषेधकत्वात् ।

क्षेमशब्देन वाऽस्त्विति यत् **मेधातिथिना** व्याख्यातं, तदपि पितुरनिच्छायाम्। तदिच्छायां तु तत्रापि तद्भवत्येव। अत एव—

"क्रमागते गृहे क्षेत्रे पितृपौत्राः समांशिनः। पैतृके न विभागार्हाः सुताः पितुरनिच्छतः॥"

इति **व्यासः**। 'सर्वथा क्षेत्रं वास्तुक्षेत्रमिति' **कल्पतरू**क्तमयुक्तमेव। अत एव **कात्यायनेन**—"दृश्यमानं विभज्येत गृहं क्षेत्रं चतुष्पदम्"। इति तयोर्भेदेनोपादानं कृतम्। एवं **व्यास**वाक्येऽप्युक्ते कृतमिति बोध्यम्। आविभाज्यमस्तीति च दर्शयन्ननुक्तत्वाद्याज्यशब्दस्योपयुक्तं लक्ष्यार्थमाह। **याजनेति**।

पितृद्रव्येत्यादिनाऽविभाज्यं वक्तुमारब्धं मूलकृता न सर्वमुक्तमिति न्यूनतापरिहाराय विभाज्यप्रकरणे एव वक्ष्यमाणमपि स्मरति। **पितृप्रसादेति**। तस्यापीत्यर्थः। 'पितृभ्यामित्यादिना' मूलकृत्। पूर्वं तु **नारदीय**त्वेनोक्तम्। इदं च पुत्रकर्तृकविभागविषयकमेवेति बोध्यम्। अत्राविभाज्यत्वं व्याख्यात्रा विधिनिषेधमुखाभ्यामुक्तम्। तत्राविभाज्यस्वरूपकथनं विधिः, विभाज्यत्वनिरासो निषेधः। तथा सत्यत्रैवोक्तमपि वक्ष्यमाणोपयोगि स्मरति। **नियमेति**। ब्राह्मणः प्रतिग्रहादिनेत्यादीत्यर्थः। **अनन्तरमेवेति**। कस्य विभाग इत्येतद्विचारावसरे शङ्कातः प्राप्तं सिद्धान्तिनेति भावः। **निरासि** न्यषेधि। तथा सत्युत्तरसङ्गत्यर्थमव्यवहितफलितं प्रागुक्तमुपसंहरति। **पितृद्रव्येति**। तथा चेत्यादिः। अत एव महाप्रकरणसङ्गतिः। **तत्र** तथाऽर्जितमैत्रादिविषये। तमेवाह। **येनेति**। **एषां** भ्रातॄणां मध्ये॥ ११८॥ ११९॥

याज्ञवल्कीये १२० श्लोकः।

अस्य वसिष्ठोक्तभागद्वयस्य। सामान्यार्थेत्यस्य व्याख्या **अविभक्तानामिति**। समुत्थाने इत्यस्य व्याख्या **सम्यगिति**। तत्र हेतुरुक्तः। **कृषीति**। एतदर्थमेव नियमातीत्युक्तम्। शेषमाह। **केनचिदिति**। भ्रातॄणां मध्ये इत्यादिः।

उत्तरसंगतिमाह। **पित्र्ये द्रव्ये इति**। यथाकथंचित्तदीयमात्रद्रव्ये इत्यर्थः। **पुत्राणां** तेषामेव। एवमग्रेऽपि। **पैतामहे** तन्मात्रे। **विभागे इति**। जन्मनैव स्वत्वेन तस्य प्राप्तत्वादिति भावः। **अनेकपितृकाणामिति**। अनेके पितरो येषामित्यर्थः। भिन्नपितृकाणामिति यावत्। एकपितामहानेकपुत्ररूपभ्रात्रनेकपुत्राणामिति परमार्थः। प्रमीतपितृकाणामिति पाठान्तरम्। अनेकपित्र्यकाणामिति त्वपपाठ एव। शङ्कापूर्वं व्याचष्टे। **यद्यपीति**। तृतीयान्तात्सार्वविभक्तिकस्तसिरित्याह। **पितृद्वारेणैवेति**। त्वर्थे **एवः**। नियामकमिदं वचनमिति भावः। तद्व्यवच्छेद्यमेवाह। **न स्वेति**। स्वस्वरूपेत्यर्थः। फलितमाह। **एतदिति**। अविभक्ता इति छेदः। **तत्र**। भ्रातॄणां मध्ये।

न्यूनतानिरासाय उक्तन्यायमन्यत्रातिदिशति। **तथेति**। **ध्रियमाणेषु** अवस्थितेषु। जीवत्स्विति यावत्। धृङ् अवस्थाने। तदुक्तं **कात्यायनेन**।

"अविभक्ते सुते प्रेते तत्सुतं रिक्थभागिनम्। कुर्वीत जीवनं येन लब्धं नैव पितामहात्॥
"लभेतांशं स पित्र्यं तु पितृव्यात्तस्य वा सुतात्। स एवांशस्तु सर्वेषां भ्रातॄणां न्यायतो भवेत्॥
"लभेत तत्सुतो वाऽपि निवृत्तिः परतो भवेत्।" इति।

तदाह। **वाचनिकीति**। अन्यथैतदानर्थक्यापत्तिरिति नियामकमिदमिति भावः।

एकस्यां योषिति बहुभिः सङ्गतायां तेभ्यो जातानामित्यर्थः इति **कल्पतरुः**—

"अनेकपितृकाणां तु पितृतोऽशविकल्पना। यस्य यत्पैतृकं रिक्थं तत् स गृह्णीत नेतरः॥"

इति **विष्णु**व्याख्यावसरे। अत एव **बृहस्पतिः**—

"यद्येकरिक्थिनौ स्यातामौरसक्षेत्रजौ सुतौ। यस्य यत्पैतृकं रिक्थं स तद् गृह्णीत नेतरः॥" इति।

नायं पारिभाषिकः क्षेत्रजः। तस्यान्यविभागस्य वक्ष्यमाणत्वात्। किन्तु क्षेत्रमात्रोत्पन्नः।

"द्वौ तु यौ विवदेयातां द्वाभ्यां जातौ स्त्रियां धने। तयोर्यद्यस्य पित्र्यं स्यात्स तद् गृह्णीत नेतरः॥"

इति **मनुरपि** (अ० ९।१९१)॥ १२०॥

नन्वनेकपितृकाणामित्यनेन अन्यथाऽनुपपन्नेन एतावत्सम्पन्नं, पौत्रस्य पैतामहद्रव्यप्राप्तिः पितृद्वारा, न स्वतः। तत्रापि पितरि अविभक्ते दिष्टं गते एव, विभागस्य स्वत्वाजनकत्वेऽपि तन्नाशकत्वात्। तत्सत्त्वस्य प्रतिबन्धकत्वाच्च। एवं च पौत्रस्यापि भ्रात्रादिवत् सप्रतिबन्ध एव दाय इति तथा प्रागुक्तमयुक्तम्। किंच तथा सति यदा पिता जीवति विभक्तश्च स्वपितुः यद्वा तस्य एकपुत्रत्वेन तस्य भ्रात्रन्तराभावात् स पितुः सकाशादविभक्त एव जीवन्नास्ते, तदाऽऽद्यपक्षे विभक्तत्वादेव पैतामहद्रव्यप्राप्त्यभावः स्वपितुरिति विभक्तत्वात् तस्य सत्त्वाच्च द्वारानिरोधेन पौत्रस्य पैतामहद्रव्यप्राप्त्यभावः। द्वितीयपक्षेऽपि यद्यपि स्वपितुर्धनप्राप्तिरस्ति अविभक्तत्वात्तथापि सत्त्वादेव तस्य तदभाव इति सर्वथा पैतामहे धने पौत्रस्य जीवत्पितृकस्य विभागाभाव एव स्यादित्युत्तरवाक्यमवतारयन्नाह। **अधुनेति**। इत्याशङ्किते इत्यत्रान्वयः। विभक्ते इति छेदः। पौत्रस्येत्युपलक्षणं, पौत्रयोः पौत्राणामपि। उभयत्र हेतुमाह। **अम्रियमाणे इति**। दिष्टं गते इत्यर्थः। म्रियमाणे इति पाठे तस्य पूर्वान्वयः। अपितरीति छेदः। तदभावे। अत्र तूभयत्रापि पितुः सत्त्वमिति भावः।

ननु नैतद्युक्तं, जन्मनैव स्वत्वस्य प्रागुक्तत्वेन द्वारानपेक्षत्वेन तत्रापि विभागस्य युक्तत्वादिति चेत्, तथापि पितरि दिष्टं गते पितृद्वारैवांशविधानाज्जीवति तस्मिन् तद्द्वारकत्वं सुतरामिति अत्र पितुः प्राधान्यप्रतीत्या पितुरिच्छयैव विभागः स्यात्। तत्रापि स्वार्जितवत् द्वावंशाविति **नारद**वाक्येन पितुरंशद्वयं स्यात्तदाह। **भवतु वेति**। विभागस्तत्र तस्येत्यस्यानुषङ्गः। परं तु इति शेषः। **इच्छयैव** इच्छयैव च। स्यादिति शेषः। दृष्टान्तसूचितं तत्रापीत्यादिनोक्तम्। भवन्त्वेति पाठे तु एकवाक्यतैव॥

याज्ञवल्कीये १२१ श्लोकः।

शब्दशक्तिमाहात्म्येन लब्धमर्थमाह। **शालीति**। **आदिना** यवक्षेत्रादि। तेन वास्त्वादिनिरासः। इदं वास्त्वादिविषयतत्त्वं चानुपदमेव विशदीकृतम्। निबध्यते यः पर्णादिगणनया स **निबन्धो** वृत्तिः। आकरादौ राजादिदत्तं नियतलभ्यम्। तत्स्वरूपमाह। **एकस्येत्यादि**। पर्णानां भरो बाहुल्यं यस्मिन्निति विग्रहः। समासान्तः। एवमग्रेऽपि। तथा चैकस्याः पर्णवाटिकाया क्रमुकवाटिकायाश्चेयन्ति पर्णानि क्रमुकफलानि, चेति तद्व्यापारकोविदा एव जानन्ति, नान्ये इति

तदीयपर्णभरकादिपर्णगणनया निबध्यमान इत्यर्थः । यत्पितामहेनेत्यनयोरग्रेऽपि संबन्धसूचनाय आह । **यत्पितेति** । नियमानतिक्रममाह । **प्रतिग्रहेति** । आदिना वाणिज्यद्विजशूश्रूषादिपरिग्रहः ।

एवं पूर्वार्धवाक्यार्थत्रये प्रतिपादिते उत्तरार्द्धे वाक्यभेदेन सशेषपूरणेन व्याचष्टे । **तत्रेति** । त्रिष्वित्यर्थः । प्राग्वत् अस्यार्थमाह । **अस्तीति** । पूर्वम् एवान्वयादस्त्येवेत्यर्थः । चोभयोरिति **कल्पतर्वादि**धृतपाठासांगत्यं ध्वनयन्नाह । **हि यस्मादिति** । **सदृशं** सदृशमेव । अग्रिमेणैवान्वयात् । शेषं प्राग्वदाह । **तस्मादिति** । इच्छयैव न विभाग इति पाठो युक्ततरः । एतेन समांशत्वं सूचितम् । **बृहस्पतिरपि**—

"द्रव्ये पितामहोपात्ते जंगमे स्थावरेऽपि वा । सममंशित्वमाख्यातं पितुः पुत्रस्य चैव हि ॥" इति ।

एवं सति पूर्ववचनानर्थक्यं प्रथमांशेन प्राप्तं तद्विरोधं च परिहरन् वाचनिकत्वमुक्तं द्रढयति । **अतश्चेति** । यत एवं स्वाम्यं पितापुत्रयोस्तत्र समानमेव लोकप्रसिद्धम् । अत इत्यर्थः । **वाचनिकमिति** । पितरि प्रेते वचनात्तथा नियम्यते, न तु जीवति । अत एव प्रमीतपितृकाणामिति पाठो युक्ततर इति भावः । इदं प्रागपि उक्तम् ।

द्वितीयांशेन प्राप्तं वचनान्तरविरोधं परिहरति । **विभागं चेदिति** । प्रागपीदमुक्तम् ।

तृतीयांशेन प्राप्तं प्रागनुक्तान्यवचनविरोधं परिहरति । **तथेति** । **नारदमाह** । **द्वावंशाविति** । प्रतिपत्तिर्नियमेन ग्रहणम् । आत्मन इति षष्ठ्यन्तं पञ्चम्यन्तं वा । अत्र विषमविभागे लोकविशेषाद्यभावादयं भवत्येवेति भावः । एवं प्रागुक्त**वसिष्ठो**क्ते विषमविभागेऽपि बोध्यम् । एवं च स्वार्जिते सर्वविभागेषु अर्जकस्यांशद्वयमिति सिद्धम् ।

सदृशमित्यनेन प्राप्तमन्यविरोधमेवं रीत्यैव परिहरन् मतद्वयमाह । **जीवतोरित्यादि** । **जीवतोरित्येतद**पि, मातेत्याद्यनुषङ्गः । पैतामहे धने पित्रर्जितधनान्मूलानुक्तं तत्फलितं तदभिमतम् । विशेषांतरमाह । **तथा चेति** । तयोः स्वत्वस्य तुल्यत्वे चेत्यर्थः । जीवद्विभागे उक्तकालत्रयाभावकृतविशेषमाह । **सरजस्कायामिति** । अपिना तन्निमित्तत्रयसमुच्चयः । **पुत्रेच्छया** तयैव । एवं चैतदिच्छाया मुख्यत्वम् ।

अत एव विशेषान्तरमाह । **तथेति** । तद्वदित्यर्थः । अविभक्तेनेति छेदः । विभागे स्वत्वनाशेन तदनधिकारादिति भावः । एतेन 'स्वयं विद्याशौर्यादिना स्वयमर्जितमिति' व्याख्यानं **मेधातिथ्यादे**रपास्तम् ।

बृहस्पतिरपि—

"पैतामहं हृतं पित्रा स्वशक्त्या यदुपार्जितम् । विद्याशौर्यादिना प्राप्तं तत्र स्वाम्यं पितुः स्मृतम्" ॥ इति ।

अपिना विभागकरणसमुच्चयः ।

कर्तव्येति । पुत्रेणेति भावः । अव्यवहितोक्तमेव हेतूक्तिपूर्वकं विशदयति । **तथा हीत्यादिना** । **जन्मनैव** समानमिति शेषः । **पित्रिति** । पुत्रस्येत्यादिः । तत्रान्यतरस्यानर्जकत्वादाह । **द्वयोरिति** । अत एव पैतामहे न मातुरंशः स्वत्वाभावाद्वचनाभावाच्च । **एवं च पौत्राणामप्रतिबन्धो दाय** इति प्रागुक्तं युक्तमिति बोध्यम् ।

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१ क-ख-पूर्वेवान्वयादस्त्येवेत्यर्थः । क-पूर्वेणान्वयादस्त्येवेत्यर्थः ।

अत्रान्यसंवादमाह । **मनुरपीति** । इति वदन्निति दर्शयतीत्यन्वयः। पैतृकमित्यस्य पितेत्युक्तिबलात् व्याख्या । **पितामहेति** । अनवाप्तमित्यस्य व्याख्या **पितेति** । यदेत्यस्य **यदीति । आप्नुयादित्यस्य** प्राग्वत् । **उद्धरतीति** । स्वयमर्जितमित्यस्यान्वयासंभवात्, यथाश्रुते चशब्दाभावेन वाक्यभेदासंभवाच्च दृष्टान्ततेत्याह । **स्वार्जितमिवेति । अकामः** विभागानिच्छुः । एतेन "चेत्स्वयं विद्याशौर्यादिना स्वयमर्ज्जितम्" इति व्याख्यानं **मेधातिथ्यादे**रपास्तम् ।

बृहस्पतिरपि—

"पैतामहं हृतं पित्रा स्वशक्त्या यदुपार्ज्जितम् । विद्याशौर्यादिना प्राप्तं तत्र स्वाम्यं पितुः स्मृतम्" इति ।

कात्यायनोपि—

"स्वशक्त्या ह्युद्धृतं नष्टं स्वयमाप्तं च यद्भवेत् । एतत् सर्वं पिता पुत्रैर्विभागे नैव दाप्यते॥" इति ।

इदं भूभिन्नविषयमिति प्रागुक्तमेवेति बोध्यम् । **पितामहार्जितमिति** । उक्तभिन्नमित्यर्थः । अत्र भूः पितामहेत्युभयमुपलक्षणम् । अत एव **व्यासः—**

"क्रमागते गृहे क्षेत्रे पितापुत्राः समांशिनः । पैतृके न विभागार्हाः सुताः पितुरनिच्छया ॥" इति ।

एवं चात्र सर्वत्र स्थावरे जङ्गमे च समांशित्वं, पैतृके तु पितुरिच्छया गृहादौ समांशित्वं नान्यथेति विशेषः ॥ १२१ ॥

विभागोत्तरेति । प्रथमतृतीयकालयोरित्यर्थः । **पुत्रस्येत्यु**पलक्षणं पुत्रयोरित्यादेरपि । एवमग्रेऽपि ।

याज्ञवल्कीये १२२ श्लोकः ।

पुत्रेषु सत्सु । अत एवाह । **पश्चादिति** । भाववत्त्रि विभागभागित्यनुपपन्नमसम्बद्धं च । अत आह । **विभज्यते इति** । कर्मणि यत्रिति भावः । साकांक्षत्वात्प्रत्यासत्तेराह । **पित्रोरिति । विभागो** धनम् । तात्पर्यार्थमाह । **पित्रोरूर्ध्वमिति** । प्रायणादिति शेषः । **अंशं** तत्त्वेन स्थितं सर्वम् । पित्रोरित्युक्तं सफलयति । **मातृभागमिति । च**स्त्वर्थे । तत्सद्भावे तु तं न लभते इति भावः । सवर्णायामित्युक्तेः फलमाह । **असवर्णायामिति । स्वांशमेवेति** । मुख्यांशमेवेति पाठान्तरम् । ब्राह्मणात् क्षत्रियायामुत्पन्नस्य पादोनं, वैश्यायामर्द्धं, शूद्रायां पादः क्षत्रियाद्वैश्यायामुत्पन्नस्य पादद्वयं, शूद्रायां पादः, वैश्याच्छूद्रायामुत्पन्नस्य एकः पाद इत्यर्थः । तद्वक्ष्यति 'चतुस्त्रिद्व्येकभागाः स्युरिति' । **पित्र्यादिति** । धनादित्यर्थः । पित्र्यामिति पाठान्तरम् ।

विशेषमाह । **मातुरिति** । मातृकं त्विति पाठान्तरम् । अयमपि दुहितृसत्त्वे इति बोध्यम् । 'मातुर्दुहितर' इत्यस्य मातृधनमात्रशेषत्वात् । उक्तमूलस्य तदूर्ध्वं तस्य धनभाक्त्वमितिपरत्वं कुतः, जीवत्येव तस्मिन् तद्भाक्त्वपरत्वं कुतो नेत्याशङ्कां परिहरन्मौलार्थे मानमाह । **एतदेवेति** । पित्रोरूर्ध्वमित्युक्तमेवेत्यर्थः । **हरेत्** गृह्णीयात् । अनेन तदुत्तरकालिकत्वं स्पष्टमेवोक्तम् ।

नन्वेवमपि पित्रोरिति प्रागुक्तमयुक्तं, पितुरिति वाच्यम् । अत्र पित्र्यमित्यस्यैवोक्तत्वात् । तस्य च पितुरागतमिति शब्दार्थात् । अत आह । **पित्रोरिति** । एकशेषं कृत्वा तद्धित इति भावः ।

१ अग्रे (१२५) श्लोके मि. पृ. ८९ पं. १।२

इदं फलितार्थकथनम् । ननूभयथाऽपि पित्र्यमित्यस्य तुल्यत्वादत्र तथा व्याख्याने एव न मानम्, अत आह । **अनीश इति । बार्हस्पत्ये** अत्र पित्रोरिति द्विवचननिर्देशात्तथेति भावः । अस्फुटत्वादस्योक्तार्थपरत्वायेदं वाक्यभेदेन व्याचष्टे । **विभक्तयोरिति** । पूर्वपुत्रेभ्य इति भावः । अन्यथाऽनुपपत्तेः प्रकरणाच्चेदमुक्तम् । भागे इति पाठः । विभागे इत्यपपाठः । स्मृतावसत्त्वात् । पूर्वज इत्यस्यार्थमाह । **विभागादिति** । द्वितीयवाक्यमाह । **विभक्तजश्चेति** । विभक्ताभ्यां पितृभ्यां जात इत्यर्थः । **भ्रातुः** पूर्वोत्पन्नस्य । तथा च विभक्तपुत्रांशान्न्यूनत्वेऽधिकत्वे वा विभक्तजस्तावदेव लभते; न तत्पूर्वजा अधिकं गृह्णीयुर्न्यूनं वा पूरयेयुः । अयमेवार्थो **मनु**वाक्ये एवेन सूचितः ।

साधारणोक्त्या तन्त्रेण मूलस्यैवार्थान्तररूपविशेषमाह । **तथेति । बृहस्पति**माह **पुत्रैरिति । अस्य** विभक्तेनेत्यत्रैवान्वयः । यद्वा । पूर्वपुत्राणां विद्यमानत्वेऽपीत्यर्थः । सहैव दशभिः पुत्रैरितिवत् । स्वयमिति स्पष्टार्थम् । अत्रार्जितमिति सामान्योक्त्या धनं ऋणं च ग्राह्यम् । अत एव **बृहस्पतिरेव**—

"यथा धने तथर्णेऽपि दानाधानक्रयेषु च । परस्परमनीशास्ते त्यक्त्वाऽऽशौचोदकक्रियाम् ॥" इति ।

विपदस्वारस्यात्तथैव विशेषान्तरमाह । **ये चेति** । पित्रा सहेत्यस्य मध्यमणिन्यायेनान्वयः । **पुनः** संसृष्टाश्चेत्यर्थः । **पितुरिति** । प्रायणादिति शेषः । **संसृष्टा इति** । प्रागुक्तोत्तरार्द्धमिदम् । अत एव पूर्वसमुच्चये वाशब्दः । **तेन वेति** । पित्रेत्यर्थः । **स तैरिति** । विभक्तजः पूर्वजैरित्यर्थः ।

यद्यप्यन्यनिबन्धकारैरत्र दृश्याद्वेति पूर्वत्रैव विकल्पपरतया व्याख्यातं, कैश्चिदन्यैश्चैकवाक्यतयैव व्याख्यातं, तथापि तन्न युक्तम् । उक्तस्मृतिविरोधेन विकल्पासम्भवात् । आनर्थक्यस्यान्यतरस्य स्पष्टत्वेनासम्बन्धेन वापदानर्थक्येन चैकवाक्यत्वासम्भवात् । न्यूनतापत्तेश्च । तदेतदभिप्रेत्योत्तरार्धस्यान्यदवतरणमाह । **पितुरिति** । प्रायणादिति शेषः । **पुत्रेष्विति** । पितृमरणादव्यवहितपूर्वमेव गर्भे सति विभागसमयेऽपि मातुरस्पष्टगर्भात्वेन तदानीमज्ञानेन तदव्यवहितामिति भावः ।

वाशब्दः समुच्चये । अवधारणे वा । आयव्ययविशोधितात् दृश्यादेव तद्विभाग इत्यर्थः ।

ननु तद्विभाग इत्यस्य कथमुक्तार्थोऽतस्तस्येत्यस्यार्थमाह । **पितरीति** । भ्रातृभिरित्यस्य विभागे एवान्वयः । तत्कर्तृकविभागेत्यर्थः । भ्रातृविभागेति पाठः प्रचुरः । मातरि सत्यां पितुरसत्वान्मातुर्विभागासम्भवादवधिं पृच्छति । **कुत इति** । दृश्यादित्यस्य तात्पर्यार्थमाह । **भ्रातृभिरिति** । पदार्थावाह । **आय इति** । वृद्धिभेदस्य प्रागुक्त्या विनिगमनाविरहादाह । **प्रतिदिवसमिति** । वाक्यार्थमाह । **ताभ्यामिति । शोधितं** परिष्कृतम् । तथा च प्रकृते विभागोत्तरं प्रातिस्विकांशैः कृष्यादिषु क्रियमाणेषु यो लाभः स **आयः** । पितृकृतं ऋणं स्वकुटुम्बपोषणादिसाधकं तदपाकरणं **व्यय** इति भावः ।

आयव्ययरहितादित्यर्थनिरासायाह । **एतदिति । भागेषु** सत्सु । **तद्भुत्थं** ततः कृष्यादितो **लब्धम्** । **स्वस्वांशमध्ये** इति शेषः । **प्रवेश्य** प्रक्षिप्य । **अपनीय** अपनीय च । **स्वेभ्यः** स्वीयेभ्यः सर्वेभ्य इत्यर्थः । **किञ्चिदिति** । यस्माद्यस्मादंशाद्यावद्यावदुचितं तावत्तावद् गृहीत्वेत्यर्थः । **अत** एवाह । **स्वभागसम इति** । अयं भावः । विभक्तमपि तत्पितृधनमविभक्तमिव । यतो गर्भस्थितमप्यपत्यमपत्यत्वादेव पितृधनांशार्हम् । मातुः पितृमरणसमये एव गर्भे सति विभागसमये

चाव्यक्ते गर्भे तस्मादेव गर्भादुत्पन्नमपत्यं तस्मात्पितृधनात्तदुत्थलाभाच्च भागार्हमिति । तत्रापि पुत्रसत्त्वे समांशभागित्वं पुत्रीसत्त्वे तु स्वस्वजातिनिबन्धनादंशाच्चतुर्थांशभागित्वं वक्ष्यमाणं बोध्यम् ।

उक्तन्यायं युक्तितौल्यादन्यत्रातिदिशति । **एतच्चेति** । भ्रातुर्यस्य कस्यचित्प्रमीतस्य उक्त एव प्रकारः । 'अप्रजसीति' भार्याविशेषणम् । अप्रजस्येति पाठे यथासंख्यमुभयोरुभयं विशेषणम् । न्यूनतानिरासाय विशेषं सूचितम् । उभयत्राप्याह । **स्पष्टेति । अनपत्या इति** । बहिरविद्यमानपुत्रा इत्यर्थः । स्त्रियोऽत्र भ्रातृभार्याः अत एवाह । **आ पुत्रेति** । आङ् मर्यादायाम् । अत एव तदर्थमाह । **गृहीतेति** । पुत्रेत्युपलक्षणमित्याह । **आ प्रसवादिति** । वाक्यार्थपूर्तये शेषमाह । **प्रतीक्षणीयमिति** ॥ १२२ ॥

व्यवहितसङ्गतिं सूचयन्नुत्तरावतरणमाह । **विभक्तज इति** । विभागानन्तरं मातापित्रोः सतोरेव य उत्पन्नः स विभक्तजो मातापितृमरणानन्तरं तयोर्धनं गृह्णातीत्युक्तं । विभक्तेषु सुतो जात इत्यनेनेत्यर्थः । मातृकांशः प्राग्वत् । **तत्र** तस्मिन्सति । **माता वेति** विकल्पो दाने, न तु विभागे । पितुः पुत्रेभ्यो विभागे मातुस्तस्यार्थसिद्धत्वात् । पृथक् तस्या अविभागाच्च । अत एव पुनस्तत्र विभक्तेति विशेषणानुक्तिः । ताभ्योऽपि पुत्रवत् पृथगंशं दत्त्वा तासां पृथक्कार इति तु न । 'जायापत्योर्न विभागो विधीयते' इति **हारीताद्युक्तेः** । एवं च 'पत्न्यः कार्याः समांशका' इत्यस्य बहुवचनात् पत्नीत्युक्तेश्च प्रतिपत्नि पुत्रांशसमानमंशं गृह्णीयादित्यर्थो न तु तथेति प्रागुक्तं न विस्मर्तव्यमिति बोध्यम् । **तत्र** विषये ।

"पितामहेन यद्दत्तं पित्रा वा प्रीतिपूर्वकम् । तस्य तन्नापहर्त्तव्यं मात्रा दत्तं च यद्भवेत् ॥" इति ।

यस्येति षष्ठी शेषत्वाय ।

याज्ञवल्कीये १२३ श्लोकः ।

युक्तिसाम्यादन्यत्रातिदेशमाह । **न्यायेति** । अस्याग्रेऽप्यन्वयः । **अपिः** ऊर्ध्वसमुच्चये । **एवेन** विभाज्यत्वव्यवच्छेदः ।

अतिदेशान्तरं तत एवाह । **तथेति** । तद्वदित्यर्थः । विभक्तजे ऽसतीत्यन्वयः । **तदूर्ध्वं** तन्मरणानन्तरम् । 'विभजतामिति' निर्धारणे षष्ठी । न केवलं विभक्तजे पुत्रे सति विभागादूर्ध्वं प्राग्वा 'यस्य यद्दत्तं तत्तस्यैवेति' नियमः, किं तु विभक्तजपुत्राभावेऽपि विभक्ताभ्यां ताभ्यां स्वपुत्रादिभ्यो यत्प्रीत्या दत्तं तत्तयोर्मरणोत्तरं तद्धनं विभजतां मध्ये यस्मै दत्तं तस्यैव न विभागार्हमित्यर्थः ।

व्यवहितसङ्गतिमाह । जीवदिति । **स्वपदं** स्पष्टार्थम् । **पितुरिति** प्राग्वत् । **पत्नीनां** सर्वासाम् । **दर्शयितुमिति** । दर्शयन्नित्यर्थः । **प्रायणादिति** । तदित्यादिः । **विभजतामिति** । 'षष्ठी चानादरे' (व्या० सू० २–३–३८) इति षष्ठी ।ताननादृत्येत्यर्थः । तद्दत्त्वत्वस्य सत्त्वात् । अत एव हरेदित्युक्तिः । **अपेस्तत्रैवान्वयः** । स च जीवद्विभागे समांशित्वसमुच्चायकः । अत एव तत्तुल्यतया एकत्वमत्र अविवक्षितम् । किं च अत्र मातुरुद्देश्यत्वात्तदुद्देशेन हरणस्य अप्राप्तत्वेन विधेयत्वादेकत्वमविवक्षितं, ग्रहं संमार्ष्टीतिवत् । यदि कुर्यादित्यत्र तु तेनैवाद्यपादेनांशभागित्वस्य प्राप्तत्वात्तदुद्देशेन पत्न्या विधानात्तद्गतं बहुत्वं विवक्षितं, पशुना यजेतेतिवत् । एतेन विपरीतशङ्का निरस्ता । अत एव तदनुरोधेनावतरणे पत्नीनामित्युक्तम् । यद्वा । यथाश्रुतेऽपिना जननीभिन्नसमुच्चयः । **विष्णुरपि**—'मातरः पुत्रभागानुसारिभागहारिण्य' इति ।

प्राग्वच्छेषमाह । **यदीति** । प्रकृतानुरोधेनाह । **अर्धांशहारिणीति** । **वक्ष्यते इति** । सौदायिके 'दत्ते त्वर्द्धं प्रकल्पयेत्' इत्यनेनेति भावः । प्राग्वच्छेषः ।

अत एव **स्मृत्यन्तरम्**—" जनन्यस्वधना पुत्रैर्विभागेऽशं समं हरेत् । " इति । अस्वधना प्रातिस्विकस्त्रीधनशून्या । तत्र जननीग्रहणमपुत्राणां मातृसपत्नीनां पितामहीनां चोपलक्षणम् ।

अत एव **व्यासः**—

"असुताः स्वपितुः पत्न्यः समानांशाः प्रकीर्तिताः । पितामह्यश्च ताः सर्वा मातृतुल्याः प्रकीर्तिताः॥" इति।

एवं सति प्रकृते मातृशब्दः पत्नीमात्रपर इत्यपि सुवचम् ।

" तिस्रः पूज्याः पितुः पक्षे तिस्रो मातामहे तथा । इत्येता मातरः प्रोक्ताः पितुर्मातुः स्वसाऽष्टमी ॥ "

इति **चतुर्विंशतिमत**वचनं 'पितृपत्न्यः सर्वा मातर' इति **सुमन्तु**वचनमप्यत्र साधकम् । एवं च सापत्नमातुरपि अंशभागित्वमिति सिद्धम् । एतेनात्र मातृपदोक्त्या सापत्नमातुरंशभागित्वं नेति निर्वचनः प्राच्यसिद्धान्तः परास्त इति दिक् ॥ १२३ ॥

पितुरूर्ध्वमित्यनेन प्रसङ्गसङ्गतिमाह । **पितरीति** । **सन्तीति** । तदेति शेषः ।

याज्ञवल्कीये १२४ श्लोकः (पूर्वार्धः) ।

असंस्कृतानामनधिकारादाह । **पूर्वसंस्कृतैरिति** । तत एवाह । **पितुरिति** । प्रायणादिति शेषः । **असंस्कृताः**, विवाहान्तसंस्कारैः । न च विभागप्रकरणे इदमयुक्तमिति वाच्यम् । पूर्वसंस्कृतैरिति विशेषणेन यथा स्वसंस्कारः पित्रा समुदायद्रव्येण कृतस्तथा तेषामपि कार्य इति स्ववत् तत्कृत्यस्यावश्यकत्वबोधनद्वारा आदौ, तथैव समुद्रायद्रव्येण तत् कृत्वा ततो विभागः कार्यः न तु ततः प्रागिति बोधितत्वेनात्र सङ्गतेः । अन्यथा तद्विशेषणोपादानानर्थक्यं स्पष्टमेव । तदाह **समुदायेति** । विवाहान्तसंस्कारैरिति शेषः । एवमग्रेऽपि । तुल्ययुक्त्या पातित्यादिदोषदुष्टे पितरि जीवत्यपि यदि पुत्रा एव विभागकर्त्तारस्तदा तत्राप्येवमेव बोध्यम् । एवमग्रेऽपि ।

(उत्तरार्धः) ।

विशेषमिति । विवाहान्तसंस्कारतौल्येऽपि विजातीयांशदानरूपम्, असंस्कृतासु पूर्वमंशदानं ततस्तासां संस्कार इति पूर्वक्रमान्यक्रमरूपं च विशेषमित्यर्थः । एतदर्थमेव मूले तुः ।

ननु नेदं संस्कारमात्रबोधकं तावत्, निजादित्यादिवैयर्थ्यापत्तेः । किं च पूर्वेणैव सामान्येन सिद्धे सम्पूर्णस्य वैयर्थ्यापत्तेः । नापि तुरीयांशदानमात्रं भगिनीमात्रोद्देशेन विधीयते । 'भगिन्य' इति प्रथमायाः चशब्दस्य त्वाप्रत्ययस्य चासम्बद्धत्वापत्तेः । नापि पूर्वानुवृत्त्या पूर्वगृहीतादंशातुरीयमंशं दत्त्वा ताभ्यः, असंस्कृतास्तास्तैः संस्कार्या इति अर्थः । एवमपि चशब्दानर्थक्यस्य तदवस्थत्वात् एतेन दत्त्वा तेनैव संस्कार्या न तु समुदायद्रव्येण नापि स्वांशेनेत्यर्थः इत्यपि निरस्तम् । तदा तदुपयोगिद्रव्यव्ययस्यैव प्राप्त्या अंशं तुरीयकमित्यस्यासङ्गतेश्च । दत्त्वेत्यस्य व्ययीकृत्येत्यर्थेऽप्ययमेव दोषः । निजमंशं परिभाव्य ततो वा तुरीयमंशं व्ययीकृत्यैव तथा ताः संस्कार्या इति नियामकमिदं पूर्वेण सिद्धत्वादिति पक्षेऽपि चशब्दासङ्गतिस्तदवस्थैव । वराय तं दत्त्वेत्यर्थस्तु प्रत्यासत्तिन्यायविरुद्धः ।

अथ वाक्यभेदेन भगिनीभ्यः सर्वाभ्यो निजादंशात्तं परिभाव्यादौ तमुपेक्ष्य तं विचार्य तत्रोधम्य वा तुरीयमंशं दत्त्वा स्वांशास्तैर्ग्राह्या असंकृतास्ताः संस्कार्याश्चेत्यर्थेन न कस्याप्यसङ्गतिरित्युच्येत, एवमपि पूर्वेणैव सिद्ध्या द्वितीयवाक्यानर्थक्यं तदवस्थमेव । भगिनीभ्यो निजा इत्योचव

ब्रूयात् । न चैवं विशेषेण अनेन पूर्वोक्तसंस्कारबाधापत्तिरिति वाच्यम् । तस्यासंस्कृतभ्रातृभगिनीसाधारणत्वेनास्य संस्कृतासंस्कृतभ्रातृभगिनीसाधारणत्वेन सामान्यविशेषभावाभावात् । परस्परविषये द्वयोश्चारितार्थ्येनासंस्कृतभगिनीविषये विरोधाभावेन समावेशसंभवात् ।

अथ तदनुवृत्त्यैव निजादंशात्तं दत्त्वा असंस्कृतास्ताः संस्कार्याः, संस्कारैः संस्कृतास्ताः संस्कार्या भूषणीयाश्चेत्यर्थस्याप्राप्तस्य विधानेन भगिनीमात्रदाने प्रत्यवायस्य मनूक्तत्वेन तदावश्यकत्वप्रतिपादनतात्पर्यकत्वेन स्फुटतया तदर्थबोधार्थकानुवादे च न कस्यापि वैयर्थ्यमित्युच्येत । एवमपि निजादित्यादि अयुक्तम् । अर्थस्य दुर्वचत्वात् ।

तथा हि किं यावन्तो भ्रातरस्तावतः अंशान्विधाय स्वस्वांशात्तुर्यस्तुर्यो भागो देयस्तैः प्रत्येकमित्यर्थ उत भ्रातृभिः सर्वैः स्वस्वांशात्तुर्यं तुर्यं भागमुद्धृत्य देय इति । तत्राद्ये पक्षे भगिनीद्वित्वादावप्येकैकस्यैव प्रत्येकं चतुर्थो भागो देय इति सिद्धम् । द्वितीये पक्षे भगिनीद्वित्वादावपि सर्वैस्तैरुद्धृतं सकृद्भागमेव दत्तं सर्वा गृह्णीयुर्न तु प्रत्येकं पृथगुद्धार इति सिद्धम् ।

तत्र न तावदाद्यं युक्तम् । यत एको भ्राता यत्र भगिन्यश्च बह्वयस्तत्र पृथक् ताभ्यश्चतुर्थांशदाने भ्रातुरकिंचनता स्यात् । किं चैका भगिनी बहवश्च यत्र भ्रातरस्तत्र तैस्तथा दीयमाने तदपेक्षया तस्या अधिकांशलाभेन पुत्रापेक्षया कन्याया न्यूनांशप्रापकवचनविरोधः ।

नापि द्वितीयः । भगिन्या एकत्वे भ्रातॄणां च बहुत्वे पूर्वोक्तदोषस्यैव सत्त्वात् । किं च भ्रातुरेकत्वे भगिनीनां च बहुत्वे भ्रातृभागस्यैकनिष्ठत्वेन तच्चतुर्थभागस्य स्वल्पत्वेन तत्राप्यंशकल्पनाया अतितुच्छता स्यादंशस्येति 'दत्त्वांऽशं तु तुरीयक'मित्यस्याविषयः । भवतु वा तथा, तथापि तद्वचनविरोधः।

प्रथमपक्षे प्रत्येकमपि भगिनीनां तुरीयांशदानात्तुरीयांशमित्यादि विरुद्धम्, अत्र तु तदभावात्त द्विरुध्येतेतीति कोऽयमेतस्यार्थ इति चेत्तत्राह । अस्यार्थ इति । एकवाक्यतया पूर्वानुषङ्गेणाह । भगिन्यश्चेति । चो भ्रातृसमुच्चये । दत्त्वेति । नेदं संस्कारोपयोगिद्रव्यदानपरं भ्रातृद्रव्यसंभवात् । तस्य भ्रातृकर्तृकत्वेन दानानपेक्षणाच्च । किं तु भ्रातुरंशवत्तासामपि ततः पृथगंशदानपरमित्यवश्यं वाच्यम् । तच्चायुक्तम् । तासां तद्वत्स्वत्वाभावात् । विशेषवचनाभावाच्च । तस्मादेतदनुवादान्यथानुपपत्त्यैव तत्स्वत्वाभावेऽपि तदनन्तरं तासामप्यंशोऽस्तीत्यनुमीयते । स च विनिगमनाविरहात् उभयोः ।

तदेव सामान्येनाह । अनेन दुहितरोऽपीति । अन्यथैतदनुपपत्तिरुक्तैवेति भावः । अथ प्रागुक्तचरममते पक्षद्वये दत्तदोषद्वयस्य वक्ष्यमाणनिराकरणोपपत्त्यर्थमुक्तं चरमैकदेश्युक्तमतद्वयनिराकरणपूर्वकं सोपपत्तिकमदोषं स्वमतमेतत्तात्पर्यभूतमाह । 'अत्र निजादंशादि'त्यादिना 'ब्राह्मणीपुत्रौ विभज्य गृह्णीत' इत्यन्तेन । अत्र मूलवाक्ये । तत्रेति पाठे उक्तबौद्धार्थानां मध्ये इत्यर्थः । इति इत्यस्य । उभयं क्रोडीकृत्याह । प्रत्येकमिति । अयं च निजादित्यस्यार्थः । अनेन शास्त्रीयव्यवच्छेदः । अयमर्थ इति । प्रागुक्तद्विविध इत्यर्थः । न भवतीति । प्रागुक्तदोषादित्यर्थः । पुत्रभागादित्यनेन पञ्चम्यन्तार्थः शास्त्रीय उक्तोऽग्रिमोऽग्रिमस्य ।

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१ क-ख–तस्य समुदायतद्वचनविरोधः।

नन्वेवमपि कथनमात्रान्न ततोऽत्र पक्षे भेदः स्फुटतया भासतेऽत आह । **एतादिति** । **भव-तीति** । चतुस्त्रीति वक्ष्यमाणवाक्येन प्रतिपादितो भवतीत्यर्थः । तथा च स एवात्र निजोंऽश इति तत्प्रतिपादितांशाच्चतुर्थांशं तस्यै दत्त्वाऽवशिष्टं स्वयं यथासम्भवं गृह्णीयादिति निजांशस्य व्यवस्थितत्वे तत्तुरीयांशदानमात्रं तस्यै न तु प्राग्वद्व्यवस्थितमिति नात्र पक्षे प्रागुक्तदोषापत्तिरिति भावः।

इदमेवोदाहरणबाहुल्यप्रदर्शनेन विशदयति । **तद्यथेत्यादिना । यदीति** यत्रेत्यर्थकम् । **तत्रेति** तदेत्यर्थकं वा । एवमग्रेऽपि । एतदभावे वक्ष्यमाणवाक्येन तत्राष्टावंशाः प्राप्ताः सन्तानभेदेनेति तुल्यांशलाभेन चत्वारश्चत्वारोंऽशा इति लाभेन फलितमाह । **सर्वमेव द्रव्यं द्विधा विभज्येति ।** एवमग्रेऽपि बोध्यम् । एतद्वचनविषयमाह । **तत्रेति** । तयोर्मध्ये इत्यर्थः। **शेषं** सर्वम् । दानसाम्येऽपि ग्रहणवैलक्षण्यसूचक**स्तुः ।** अत एव 'तदा पितृधनमिति' पाठः । एवमग्रेऽपि । यद्यपि भगिन्यश्चेति भ्रातृभिरिति च बहुवचनद्वयेनांशामित्येकवचनेन चानेकभ्रातृकर्तृकानेकभगिन्युद्देश्यकैकतुरीयांशकर्मकदानलाभेन प्रत्येकं भगिनीनां भागसम्बन्धलाभो न, तथापि वक्ष्यमाण**मानवे** वीप्सापृथगाद्युक्तेस्तथेत्याशयेनाह । **द्वौ भागौ द्वाभ्यां कन्याभ्यामिति ।** एतेनैक एवांशो भगिनीभ्यां देय इति **मदनपारिजातो**क्तमपास्तम् । कन्याबहुत्वे प्रागुक्तदोषापत्तेः । एवं चात्र 'अंशमिति' जातावेकवचनम् । **इति**स्तु समाप्तौ । एवं पुत्रबहुत्वे कन्याबहुत्वेऽपीत्याह **एवमिति ।**

विजातीयेष्वाह । **यदा त्विति ।** अत्र साम्याभावेन प्राग्वत् द्वेधा विभागासंभवादुक्तयुक्त्यैवाह। **सप्तधेति ।** वस्तुतस्तु पुत्रस्यैवेत्याह । **क्षत्रियापुत्रभागानिति । शेषं,** सर्वम् ।

एवमुक्तवैपरीत्ये बहुत्वे च बोध्यमित्याह । **एवं जातीति ।** तत्र जातिवैषम्ये भ्रातॄणां भगिनीनां च संख्यासाम्ये इत्थं बोध्यम् । तद्यथा—ब्राह्मण्याः पुत्रः कन्यका च, क्षत्रियायाः पुत्रः कन्यका च, एवं वैश्याशूद्रयोरपि । एवं चाष्टावपत्यानि, चत्वारः पुमांसश्चतस्रः स्त्रियः । तत्र 'चतुस्त्रीति' वक्ष्यमाणवाक्येन ब्राह्मणापत्ययोरष्टावंशाः, क्षत्रियापत्ययोः षट्, वैश्यापत्ययोश्चत्वारः, शूद्रापत्ययोर्द्वौ, एवं विंशतिभागान्कृत्वा ब्राह्मणीकन्यायै स्वजातिपुत्रविहितादंशचतुष्टयरूपान्निजाद्भागाच्चतुर्थमंशं दद्यात्, क्षत्रियाकन्यायै स्वजातिपुत्रविहितादंशत्रयरूपान्निजाद्भागाच्चतुर्थमंशं दद्यात्, वैश्याकन्यायै स्वजातिपुत्रविहितादंशद्वयरूपान्निजाद्भागाच्चतुर्थमंशं दद्यात्, शूद्राकन्यायै स्वजातिपुत्रविहितादेकांशरूपादेव निजाद्भागाच्चतुर्थमंशं दद्यात् । ततोऽवशिष्टं द्रव्यमेकीकृत्य ब्राह्मण्यादिपुत्राः क्रमाच्चतुस्त्र्येकभागान् गृह्णीयुः । वैषम्ये तु भ्रातॄणां भगिनीनां च यावत्यो व्यक्तयः तावतीनां भ्रात्रादिव्यक्तीनां तावतः अंशान् चतुस्त्रीति क्रमेण कल्पयित्वा भगिनीभ्यः स्वस्वजातिपुत्रविहितादंशाच्चतुर्थश्चतुर्थमंशं दत्त्वाऽवशिष्टं तत्सर्वद्रव्यं भ्रातरस्ते पुनश्चतुस्त्रीत्यादिक्रमेण गृह्णीयुरिति ।

केचिदुक्तरीत्यैव तुरीयमंशं कन्यायै दत्त्वा तेनैव विवाहः कार्यो न तु समुदितद्रव्येण विवाहोंऽशदानं च पृथगित्याहुः । तन्मतं खण्डयति । **न चेति । इति** इत्यस्य । **संस्कारेति ।** विवाहान्तेत्यादिः । **दत्त्वेतीति ।** व्ययीकृत्येत्यर्थः । यद्यप्येवं व्याख्याने दोषद्वयं प्रागुक्तमत्रैव, तथापि स्वमतं परसंमतमपीति सूचयन् दोषान्तरं च तत्र प्रतिपादयन्नाह । **मन्विति ।** एतेन देशाचारात्

१ अग्रे १२५ श्लोके ।

व्यवस्थेति **मदनपारिजाता**द्युक्तमपास्तम् । तदेवाह । **स्वेभ्योंऽशेभ्य इति** । तं प्रतिपादयन्नस्फुटत्वादिना स्वोक्तार्थपरतया व्याचष्टे । **अस्यार्थ इति** । तत्र कन्यात्वं स्वपितृनिरूपितं न तु स्वनिरूपितमित्याह । **भगिनीभ्य इति** । स्वेभ्य इत्यस्य व्याख्या । **स्वजातीति** । तथा च आत्मीयपरः स्वशब्दः । स्वात्स्वादंशादित्येव सिद्धे बहुवचनान्ततदुक्तिसामर्थ्यलभ्यं तत्स्वरूपमाह । **चतुर इति** । वक्ष्यमाणस्यार्थतो निर्देशः । ल्यब्लोपे पञ्चमी । तानभिलक्ष्येत्यर्थः । हेतुपञ्चमी वा । दानग्रहणयोः प्रत्येकसंबन्धलाभार्थं वीप्सादीत्याह । **स्वात्स्वादिति** । स्वशब्द आत्मीयपर इत्याह । **आत्मीयादिति** । चतुःशब्दश्चतुर्थपरो लक्षणयेत्याह । **चतुर्थं चतुर्थमिति** । इयं वीप्सा पृथक्पदलभ्या[1]। एवं चैतदुक्तिविरोधस्तद्व्याख्याने इति भावः ।

अत्रापि प्रागुक्तैकदेशिव्याख्यानं नेत्याह । **न चात्रेति** । **मनु**वाक्ये इत्यर्थः । उक्तहेतोः स्वेभ्योंऽशेभ्य इत्यस्यानर्थक्यापत्तेश्चेति भावः । प्रागुक्तसिद्धान्तमाह । **किं त्विति** । अत्रापि जातिवैषम्ये संख्यावैषम्ये च पूर्वोक्तैव व्यवस्थेत्याह । **जातीति** । ननु भगिनीनां प्रीतिदानमेव न त्वावश्यकमिति कथं विधिः प्रकर्षश्च अत आह । **पतिता इति** । **अदित्स**वो दातुमनिच्छवः । भ्रातॄणामिति भावः ।

एवमुक्त्वा केचिन्मतेन प्राग्वदत्रापि शङ्कते । **अत्रापीति** । **अपिः** पूर्वसमुच्चये । एवं सति एतद्विरोधस्तत्र व्याख्याने नेति भावः । अत एवाह । **स्मृतिद्वयेऽपीति** । **मनुस्मृतौ याज्ञवल्क्यस्मृ**तावपीत्यर्थः । पूर्वानुक्तदोषान्तरमाह । **अदाने प्रत्यवायेति** । **मनुस्मृ**ताविति शेषः । तथा सति तदर्थत्वेनैवोपयुक्तावश्यकत्वे लब्धे ऽदाने प्रत्यवायश्रवणासङ्गतिः स्पष्टैवेति भावः ।

एवं दानावश्यकत्वे चरमप्रागुक्तैकदेशिमतव्याख्यानद्वयदोषापत्तिस्तद्व्यवस्थेति कस्यचिदुक्तिं खण्डयति । **यदपीति** । **अंशेति** । स्मृतिद्वये चतुर्थांशेत्यर्थः । **तत्** तदपि । **उक्तेति** । स्वजातिपुत्राविहितादंशादित्यर्थेनेत्यर्थः । तदेव परोक्तव्यतिरेकमुखेनाह । **न ह्यत्रेति** । उपसंहरति । **अत इति** । **असहायेति** । स्वतन्त्रेत्यर्थः । प्रागुक्तहेतोः । **उचितमिति** । चतुरस्रमिति प्रचुरः पाठः । एवव्यवच्छेद्यं प्रागुक्तमेवाह । **न भारुचेरिति** । फलितं परमतात्पर्यमाह । **तस्मादिति** । **पितुः** प्रायणात् । **कन्याऽपि** सर्वा । **पूर्वं** मरणात् । अत्रोपसंहारे विभागे इत्यनुक्त्या उपक्रमेऽपि अनेन दुहितर इत्यत्रानुक्त्या तस्य पूर्वतोऽलाभेन च विभागे सत्यसति च दुहिता तच्चतुर्थांशभागिनी तदनन्तरमिति सिद्धम् । अत एवैकपुत्रस्थलेऽप्युपपादनं कृतमिति बोध्यम् ॥ १२४ ॥

सङ्गतिमाह । **एवमिति** । वचनबाहुल्यादाह । **प्रबन्धेनेति** । अस्य सम्भवमाह ।

याज्ञवल्कीये १२५ श्लोकः ।

तिस्रो वर्णेति । **इति** इत्यनेन । एका स्वीया वर्तते एवेत्याह । **चतस्र इति** । दर्शिता इतीत्यादिः । आचाराध्याये इति भावः । **तत्र** तासु सतीषु । ननु पितुर्ब्राह्मणस्यैकत्वेन न वर्णभेदो ऽत आह । **वर्णशब्देनेति** । तत्र वर्णशब्दस्य नियतपुंस्त्वेनाथ स्त्रीषु लक्षणायामपि पदस्यैव तदङ्गीकाराद्गङ्गायां घोष इतिवन्न दोष इति भावः । 'बह्वर्थाल्पात्' (व्या० सू० ५-४-४२) इत्यस्याप्राप्तेराह । 'संख्यैकेति' अस्य पाणिनीयसूत्रस्य (व्या० सू० ५-४-४३) संख्यावाचकादेकवचनान्ताच्च

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१ क-पृथक्पदालभ्या ।

वीप्सायां शस् प्रत्ययः स्यादित्यर्थः । द्वौ द्वौ ददाति द्विशो ददातीति संख्योदाहरणं, माषश इत्येकवचनोदाहरणम् । यद्यपि ' एकवचनशब्देन परिमाणशब्दा एव गृह्यन्ते ' इति **जयादित्ये-नोक्तं** तथापि तदन्यस्यापि ग्रहणमिति **वामन**मतमेव युक्तम् । अत एव पदशः स्वरशो ऽक्षरश इत्यादि सङ्गच्छते । अनित्यप्रसङ्गस्त्वनभिधानाद्वारणीय इति भावः ।

तदेतदभिप्रेत्य द्वितीयविषयतामत्राह । **अधिकरणेति** । अधिकरणसप्तम्येकवचनान्तादित्यर्थः । एवं पदार्थमुक्त्वा वाक्यार्थमाह । **अतश्चेति** । तादृशात् ततः तत्र शसि चेत्यर्थः । **स्युरित्यस्यैव** स्पष्टार्था व्याख्या । **भवेयुरिति** ।

उक्तं विशदयति । **एतदिति** । **एकैकश इति** । चिन्त्योऽयं प्रयोगः, एकश इति तु पाठ इति केचित् । वस्तुतस्तु सोऽपि साधुरित्यन्यत्र स्पष्टमिति बोध्यम् । **तेनैव** ब्राह्मणेनैव । लभन्ते इत्यस्याग्रे सम्बन्धोऽग्रे यथायोग्यं तदध्याहारः । तेनैवोत्पन्ना इत्यस्याग्रे उभयत्राप्यनुषङ्गः ।

उत्तरार्धार्थमाह । **क्षत्रजा इति** । योग्यतयाऽऽह । त्रिद्व्येकेति । अस्य वैशद्यमाह । **क्षत्रियेणेति** । **विड्जा इति** । " द्वौ विशौ वैश्यमनुजौ " **इत्यमरः** (३-३-२१४) । प्राग्वदाह । **वैश्येनेति** । **तत्पुत्राणामिति** । तस्य शूद्रस्य शूद्रायामुत्पन्नानां पूर्वोक्तः—

' विभागं चेत्पिता'इत्यादिना ' विभजेरन् सुता ' इत्यादिना चोक्त एव विभाग इत्यर्थः ।

विशेषमाह । **यद्यपीति** । भूः शालिक्षेत्रादिका । यथा चेतत् तथाऽनुपदमेवोक्तम् । **बार्हस्पत्यमाह** । **न प्रेति** ।

तत्रापि विशेषमाह । **प्रतिग्रहेति** । तद्ग्रहणसामर्थ्यादित्यर्थः । तत्र सुताय इति जात्यभिप्रायं प्रत्येकाभिप्रायं वैकवचनमित्याह । **सुतानामपीति** । एवं च तत्रापि तेषां विभागोऽस्तीति भावः । अत्र हेत्वन्तरमप्याह । **शूद्रेति** । तस्य तद्भागस्य विशेषेण प्रतिषेधाच्चेत्यर्थः । तथा च आदिशब्देन वैश्य एवात्र न शूद्र इति भावः । तद्वचनं तदीयमेवेत्याह । **शूद्र्यामिति** । अत्र शूद्री न शूद्रभार्या । तथा सति तस्यां जातस्य कुण्डगोलकयोरन्यतरत्वेन भागानर्हत्वेनासङ्गत्यापत्तेः । अपि तु द्विजातिस्त्री शूद्रकन्या । केकयीतिवत्प्रयोगः । एतेन छान्दसः प्रयोग इत्यपास्तम् । द्विजातीत्युक्त्या शूद्रजातस्तु भागं स्वं लभते एवेति सिद्धम् । ननु भवतु तस्य तथा, तावताऽपि तेषां तत्र सा कुतः अत आह । **यदीति** । शूद्रापुत्रस्यैव शृङ्ग्याहिकया निषेधात् तेषां भागोऽस्तीति गम्यते इत्यर्थः ।

शूद्रापुत्रस्यांशदानपरमूलस्य तदीयवचनान्तरविरोधं तदीयन्यूनतां च परिहरति । **यत्पुनरिति** । यत्त्वित्यर्थः । **अस्येति** शेषे षष्ठी । **अपि**रेतज्जातीयस्मृत्यन्तरसमुच्चायकः । **किमपि** किञ्चिदपि । **प्रदत्तं** प्रसाददत्तम् । क्वचिदेवमेव पाठः । अत एवाग्रे तथैव वक्ष्यते । एवं सर्वथा तथैवांशभाक् न भवतीति भावः ।

एतेनानूढशूद्रापुत्रविषयं तदिति **मन्दोक्तमपास्तम्** । तस्यापि प्रकरणादूढापुत्रविषयकत्वसम्भवादन्यत्र प्रागुक्तरीत्या भागानर्हत्वाच्च । दासस्थले तदभावस्य वक्ष्यमाणत्वाच्च । **तदैकांशेति** । अत एव तत्र विशिष्य भूभागनिषेधोक्तिसाफल्यमिति भावः ॥ १२५ ॥

याज्ञवल्कीये १२६ श्लोकः ।

सङ्गतिमाह । **सर्वेति** । यत्रजपः पुंसीत्यस्य प्रायिकत्वाच्छेषमित्युक्तिः । **यत्किञ्चित्**, पद्यात्मकम् । **परस्परेति** । सैवैरेवेत्यर्थः । स्वीये स्वीये बाधकाभावात् सामान्योक्तिलभ्यमाह । **समुदितेति** । **विभक्ते इति** सतिसप्तमी । तत्स्वारस्यादाह । **विभागेति** । यत्रेत्यस्य सर्वविभागे इत्यर्थः । अत एव साकांक्षत्वाच्छेषमाह । **यदिति** । **पुनः**शब्दः अप्यर्थे पश्चादर्थे वा । दृश्यते इति पद्योक्तं बोध्यम् । स्थित्यर्थमाह । **शास्त्रेति** ।

अत्र चेति । अत्रापीत्यर्थः । **अपि**ना पूर्वसमुच्चयः । अत्रेत्येव पाठे पूर्वं यथातथा वाऽस्तु अत्र तु सर्वथा निषिद्ध इत्यर्थः । **वदता योगीश्वरेण** । एवमग्रेऽपि । **उद्धारेति** । 'ज्येष्ठं वा श्रेष्ठे' त्युक्त इत्यर्थः ।

केचित्तु विभागार्हैः समुदायद्रव्यापहारे कृतेऽपि तेषां न दोष इत्येतद्वचनतात्पर्यमित्याहुः । तत् खण्डयति । **एवमिति** । उक्तरीत्येत्यर्थः । उक्तरीत्या श्रुतसमांशविभागविधानादिमात्रेणैव वाक्यस्य साफल्येनाश्रुतदोषाभावपरत्वकल्पनस्यानौचित्येन समुदायद्रव्यापहारेऽपि तेषां दोषोऽस्त्येवेति भावः ।

नन्वस्तु दोषः तथापि स ज्येष्ठस्यैव नान्येषां, **मनु**ना तथोक्तत्वादित्याह । **ननु मनुनेति** । एवेनान्यव्यवच्छेदः । तदेव स्पष्टार्थमाह । **न कनीयसामिति** । तद्भिन्नानामित्यर्थः । **विनिकुर्वीत** तिरस्कुर्यात् । वञ्चयेत् इति यावत् । न तावदेवेत्याह । **अभागश्चेति** । एवमग्रेऽपि । नियमनं दण्डः । राजभिरिति बहुवचनेन देशान्तरगमनेऽपि तत्रत्यराजदण्डः सूचितः । वदतेत्यस्य **मनु**नेत्यत्रान्वयः । वस्तुतस्तदभावादाह । **संभावितेति** । बहुव्रीहिः । ज्येष्ठत्वमेव तद्बीजम् । अत एवाह । **पित्रेति** । तदुक्तं **मनु**नैव– (अ० ९ श्लो० १०८।११०)

'पितेव पालयेत्पुत्रान् ज्येष्ठो भ्रातॄन्यवीयसः । पुत्रवच्चापि वर्त्तेरन् ज्येष्ठे भ्रातरि धर्मतः ॥

"यो ज्येष्ठो ज्येष्ठवृत्तिः स्यान्मातेव स पितेव सः । अज्येष्ठवृत्तिर्यस्तु स्यात् स सम्पूज्यस्तु बन्धुवत् "॥ इति ।

ज्येष्ठस्यापीति अपिर्विरोधे । **वदता मनुना** । ज्येष्ठपरतन्त्राणामिति षष्ठीतत्पुरुषः । **दण्डेति** । दण्डापूपिकसंबन्धिन्यायेनेत्यर्थः । रीत्येति पाठान्तरम् । अपूपानां समूह आपूपिकम् । 'अचित्तेति' ठक् (व्या. सू. ४।२।४७) । दण्डस्यापूपिकं दण्डापूपिकम् । तथा च यस्मिन्दण्डे आपूपिकं प्रोतं बद्धं वा स दण्डो यदि चोरादिभिरपहृतस्तदाऽऽपूपिकमपि सुतरामपहृतं यथा, तद्वदत्रापि ज्येष्ठस्य दोषे तेषां सुतरां स इत्यर्थः । तथा च ज्येष्ठादिपदमुपलक्षणमिति भावः ।

अत्रार्थे श्रुतिमपि मानत्वेनाह । **तथा चेति** । **श्रुतौ वै**शब्दो निश्चये । श्रुत्यर्थं प्रतिपादयन्नुक्तार्थं सविशदमाह । **यो भागिनमिति** । गृहीतसर्वभागे तदसंभवात् अस्तीत्येतत्स्वारस्याच्चाह ।

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१ 'तदस्यास्त्यस्मिन्निति मतुप्' इति (व्या. सू. ५।२।९४) सूत्रे अस्तीतिपदस्वारस्यादित्यर्थः ।

अयं भावः । 'अत इनिठनौ' (व्या. सू. ५।२।११५) इति सूत्रेण मत्वर्थे इतिप्रत्ययविधानात् मतुब्विधायके तदस्यास्त्यस्मिन्निति सूत्रे च वर्तमानस्वार्थकस्य अस्तीतिपदस्य श्रवणात् इनिप्रत्ययस्य वर्तमानत्वार्थकतया गृहीतसर्वभागे भागवत्वस्यासंभवात् तदर्थकस्य इनिप्रत्ययस्य भागिनमित्यत्रासंगतिः इत्याशङ्क्य भागशब्दस्य भागार्हत्वे लक्षणया तद्वत्त्वस्य गृहीतसर्वभागेऽपि विद्यमानत्वान्नासंगतिरिति ।

भागार्हमिति। भागान्नुदते इत्यस्य व्याख्या। **भागादिति।** तस्य व्याख्या। **भागमिति।** भागिनमित्यस्य यमित्यादिरित्याशयेनाह। **स चेति। चो** व्युत्क्रमे वाक्यालङ्कारे इति भावः। स इत्युक्तं लक्ष्यार्थमाह। **नाशेत्यादि।** तृतीयवाक्यमाह। **यदीति।** स इत्यस्य चेनानुषङ्गः। आद्याथशब्दार्थमाह। **तदेति।** साकांक्षत्वादाह। **तस्येति।** द्वितीयाथशब्दार्थमाह। **चेति।**

तत्र तस्य तदभावं शङ्कते। **अथेति। आवहतीति।** जनयतीत्यर्थः। समुदायद्रव्ये स्वस्यापि स्वत्वसत्वात् अपहारदशायामपि स्वद्रव्यमित्येवं ग्रहणेनापहर्तुर्दोषो नेति भावः। **अवर्जनीयतयेति।** परस्वत्वस्येत्यादिः। यथा तत्र स्वस्वत्वं तथाऽन्येषामपि तदस्त्येवेति तस्य वर्जनासम्भवात्तद्दशायामन्यद्रव्यमपि सर्वथाऽपहृतमेवेति 'निषेधाश्च बलीयांस' इति न्यायेन परस्वं न गृह्णीयादिति निषेधशास्त्रानुप्रवेशादस्त्येव दोष इत्यर्थः।

अत्र दार्ढ्याय दृष्टान्तत्वेन षाष्ठन्यायमुपन्यस्यति। **यथेति।** षाष्ठतृतीयपादषष्ठाधिकरणसूत्रं " विप्रतिषिद्धं चाविशेषेण हि तच्छ्रुतिः " इति। तत्र अयज्ञिया वै माषाश्चणकाः कोद्रवा इति श्रूयते। तत्र संशयः। मौद्गं चरुं निर्वपेदिति विहितमुद्गाभावे प्रतिनिधित्वेन माषा ग्राह्या न वेति। तत्र पूर्वपक्षः। व्रीह्यभावे नीवाराः कोद्रवाः, मुद्गाभावे माषा ग्राह्याः, तत्त्वेन जातिसादृश्याभावेऽप्यवयवसादृश्यात्। यत उक्तनिषेधो माषादिरूपेण ग्रहणे प्रवर्तते, न तु मुद्गावयवोपादानेनावर्जनीयतया प्राप्तमाषाद्यवयवरूपेण, अतः प्रतिनिधित्वमेवेति। सिद्धान्तस्तु—माषादिजातीयस्य सर्वात्मना यज्ञसाधनत्वं तेन निरस्तम्। अयज्ञिया माषा इति सामान्यश्रवणात्। अतो नान्तरीयका अपि माषावयवा वर्ज्या एव। तस्मात्प्रतिनिधित्वेन ते न ग्राह्या इति।

तदेतदभिप्रेत्य तत्र तावदधिकरणपूर्वपक्षं संगृह्याह। **मौद्गे इति।** विकारे 'मुद्गादण्' इत्यण् (व्या. सू. ४।४।२५)। **विपन्ने** नष्टे। पुनस्तद्दौर्लभ्ये मुद्गेति शेषः। मुद्गेति माषावयवानां तदवयवसादृश्येन तदवयवबुद्ध्यैव ग्रहणान्न स्वरूपेणेत्यर्थः। अथ सिद्धांतं तथाऽऽह। **मुद्गेति।** अयज्ञिया इति सामान्येन माषजातिनिषेधात्तद्बुद्ध्या गृह्यमाणेष्वपि तेषु अवर्जनीयतया निषिद्धमाषजातीयावयवा अपि गृह्यन्ते एवेति निषेधप्रसर एवेत्यर्थः।

उक्तन्यायोऽत्रापीति दर्शयन् तन्मतखण्डनमुपसंहरति। **तस्मादिति।** 'वचनं यो वै' इत्यादि **न्यायः** षाष्ठः।

एतेन—परस्वत्वज्ञानपूर्वकं स्वस्वत्वहेतुं विना स्वस्वत्वारोपकः स्तेन इति लोकप्रसिद्धोऽर्थः। न चात्र[1] इदं मम इदं परकीयमिति विवेकः। द्रव्यस्याविभक्तत्वात्। तथा चात्र साधारणधने तदसम्भवादिदमयुक्तमिति **प्राच्यो**क्तमपास्तम्। **मन्व**र्थाद्यज्ञानात्। प्रच्छन्नं वेति **कातीय**स्तेयलक्षणे द्रव्ये परसम्बन्धमात्रं विवक्षितमिति न तद्विरोधः। अन्योन्येति वचनबलात्तथेति तु न। तस्यार्थवत्त्वस्योक्तत्वात्। एतेन **कातीये** परशब्दादात्मीयत्वव्यवच्छेदेनैव तत्स्वत्वापगम इत्यपि तदुक्तमपास्तम् ॥१२६॥

याज्ञवल्कीये १२७ श्लोकः।

यथाश्रुते पूर्वसङ्गत्यभावादाह। **द्व्यामुष्यायणस्येति।** तथा च तस्य पूर्वभागापवादभूतभागविशेषोपयोगित्वमेव पूर्वसङ्गतिरिति भावः। **धर्मतः** शास्त्रतः। अस्य शाब्दार्थं तावदाह **अपुत्रामिति।** (याज्ञ० १। ६८। ६९)

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१ ख–क–फ–न च नेदं ममेदम्।

"अपुत्रां गुर्वनुज्ञातो देवरः पुत्रकाम्यया । सपिण्डो वा सगोत्रो वा घृताभ्यक्त ऋतावियात् ॥
"आ गर्भसम्भवात् गच्छेत्पतितस्त्वन्यथा भवेत् । अनेन विधिना जातः क्षेत्रजोऽस्य भवेत्सुतः ॥"

इति आचाराध्याये विवाहप्रकरणे मूलोक्तविधिनेत्यर्थः । स्वमन्वाद्यनुरोधेनात्र शेषोऽयम्[1] । **भार्यायां** पाणिग्रहणयोग्यायाम् । तत एव साकांक्षत्वादाह । **गुर्विति ।** अपेर्नैष्फल्यं सूचयन्नाह । **उभयोरिति । इत्यस्यार्थः** इत्यस्य शाब्दोऽर्थः ।

नन्वेतावताऽपि द्व्यामुष्यायणपदानुक्तेः कथमस्य तत्त्वमित्याशङ्कायां अपुत्रेणेत्यादिसूचितं तत्त्वमेव रिक्थग्रहणादौ निमित्तं नान्यदिति तत् सूचितं द्व्यामुष्यायणत्वमिति प्रतिपादयन् अपुत्रेणेत्यादेः प्रत्युदाहरणं च दर्शयिष्यंस्तात्पर्यार्थमाह । **यदाऽसाविति ।** तथा च इत्यस्यार्थ इत्यस्य मध्यमणिन्यायेनात्राप्यन्वयः । **इति** एवं वक्ष्यमाणोऽस्याभिप्रायार्थ इत्यर्थः । **अपिः** स्पष्टार्थः । एवमग्रेऽपि । **पुत्रार्थं** पुत्रोत्पत्त्यर्थम् । **स इति ।** यत इति शेषः । तस्यैव व्याख्या । **द्व्यामुष्यायण इति ।** अत इति शेषः । प्रत्युदाहरणमेवाह । **यदा त्विति ।** तत्रापि विशेषमाह । **स चेति ।** अद्व्यामुष्यायणश्चेत्यर्थः । तदानीं पुत्रसत्त्वे तदभावेन तदभावेऽपि अनन्तरं तन्नाशादन्यस्याधिकारिणोऽभावात्तथाऽयमेवाधिकारीति सूचयितुमाह । **नियमेनेति ।** पिण्डदो वेति **वा**शब्दः चार्थे ।

मूलानुक्तं विशेषं कथयितुं उदाहरणप्रत्युदाहरणयो**र्मनु**संमतिमाह । **यथोक्तमिति ।** तत्राद्ये तामाह । **क्रियेति ।** यद्विशेषकथनार्थं मनूक्तिः तस्य प्राधान्यं सूचयन्सप्रतीकधारणमिदं व्याचष्टे । **क्रियेति ।** एवमग्रेऽपि । अत्र क्रियापदं विवक्षितम् । संवित्स्वरूपमाह । **अत्रोत्पन्नमिति । अत्र** क्षेत्रे । **उत्पन्नम्** उत्पत्स्यमानम् । **संवित्** प्रतिज्ञा एकवाक्यता । पंचम्यन्तार्थोऽयमित्याह । **अङ्गीकरणादिति । क्षेत्रस्वामिनेति ।** विद्यमानेऽपि तस्मिन् षण्ढत्वाभिप्रायमिदम् । इदमपि स्वरीत्यैव । अन्यथा त्विदमुपलक्षणमपि बोध्यम् । बीजार्थमित्यस्य व्याख्या **बीजावपनार्थमिति ।** अर्थादाह । **बीजिने इति ।** यदः तदाकांक्षत्वाच्छेषेणाह । **तस्मिन्क्षेत्रे इति ।** तस्येत्यस्यार्थमाह । **उत्पन्नस्यापत्यस्येति ।** तत्र इहेत्यस्य शास्त्रे इत्यर्थः । तत्र प्रयोगस्यार्षत्वात्तदनुरोधेन स्वयमपि तथैवाह । **बीजीति ।** भागिनावित्यस्य यथाश्रुतार्थासम्भवादाह । **भागिनाविति ।**

द्वितीये तामाह **तथेति । तुः** उक्तवैलक्षण्ये व्युत्क्रमे च । निर्धारणे षष्ठीद्वयम् । अत एव बहुवचनम् , उदाहरणान्तरविवक्षया च । तथेत्यनेन तदर्थं दीयते यत्र परक्षेत्रे यदपत्यमुत्पाद्यते इत्यस्याध्याहारः । तथा च क्षेत्रिणां बीजिनां च मध्ये ऽन्यतमेनापि फलमनभिसन्धाय तु यत्क्षेत्रं तेन तदर्थं दीयते तत्र तेन यदपत्यमुत्पाद्यते सोऽपत्यरूपोऽर्थः क्षेत्रिणामेव । तत्र हेतुर्बीजाद्योनिर्बलीयसीति । तत्र हेतुः **प्रत्यक्षमिति ।** तथा लोके दृश्यते इत्यर्थः । फलमत्र संविद्रूपमित्याह **अत्रोत्पन्नमिति ।** तत्र तस्य हेतुत्वार्थमाह **यत इति ।** तत्र प्रत्यक्षमिति हेतुरिति सूचयन्नाह । **गवेति ।**

तदप्युक्तं **मनुनैव**— (अ० ९। श्लो० ५४।५५)

" ओघवाताहृतं बीजं यस्य क्षेत्रे प्ररोहति । क्षेत्रिकस्यैव तद् बीजं न वप्ता लभते फलम् ॥
" एष धर्मो गवाश्वस्य दास्युष्ट्राजाविकस्य च । विहङ्गमहिषाणां च विज्ञेयः प्रसवं प्रति " ॥ इति ।

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१ ख–फ–विशेषोऽयम ।

मेधातिथिस्तु— (अ० ९।५१)

" तथैवाक्षेत्रिणो बीजं परक्षेत्रप्रवापिणः । कुर्वन्ति क्षेत्रिणामर्थं न बीजी लभते फलम् ॥ "

इति अविशेषेणोक्तस्य क्षेत्रिणां फलं न बीजिन इत्यस्य विशिष्टविषयत्वमाह । " **फलं त्विति** । तयोर्मिथो यत्र फलानभिसन्धानं तत्र क्षेत्रिणां प्रत्यक्षमर्थो निश्चितं फलम् । प्रत्यक्षशब्देन निःसन्दिग्धतामाह । यतो बीजाद्योनिर्बलीयसी । क्षेत्रमधिकं इत्यर्थः । अनभिसन्धाने क्षेत्रिणः फलमुक्तम् । अभिसन्धाने किं बीजिन उतोभयोरिति संशये उभयोरित्याह । **क्रियेति** । एवमेवैतदिति यो निश्चयः सन्धिलक्षणः सा क्रिया तदङ्गीकरणात् बीजार्थं बीजकार्यफलनिष्पत्त्यर्थं यद्दीयते सामर्थ्याद् बीजमिति गम्यते तस्येदं द्वावपीत्याद्यर्थं " इति व्याचख्यौ ।

स्वमतमुक्त्वा प्राग्वदत्रापि आचार्यमतमाह । **अत्रापीति** । अपिना विवाहप्रकरणोक्तसमुच्चयः । **इतरस्येति** । विवाहिताविषयस्येत्यर्थः । तमेवाह । **देवराद्वेत्यादिना साधव इतीत्यन्तेन** । तत्रादौ तस्या नियोगमाह । **देवरादिति** । तत्सकाशादित्यर्थः । **सम्यक्** यथाशास्त्रम् । **ईप्सिता** पुत्ररूपा । **अधिगन्तव्या** प्राप्तव्या । **परिक्षये** सति । अनेन आपदुक्ता । तस्य नियोगमाह । **विधवायामिति** । **वाग्यतो** मौनी । **निशि** गच्छन्सन्नेकमित्याद्यर्थः ।

अत्र **मेधातिथिः** । सन्तानशब्देन पुत्रः, कार्यक्षमत्वात् । अनेनापदुक्ता । अए एव–(**मनु०** अ० ९।५८)

" ज्येष्ठो यवीयसो भार्यां यवीयान्वाऽग्रजस्त्रियम् । पतितौ भवतो गत्वा नियुक्तावप्यनापदि ॥ "

इत्यनेन मिथो भार्यागमने ज्येष्ठानुजयोः पातित्यमनापदि सत्यपि नियोगे पूर्वमुक्तम् । **नियुक्तया** अपत्योत्पादने ऽनुज्ञातया गुरुभिः । तथा स्मृत्यन्तरोक्तेः । सम्यगित्यनेन वक्ष्यमाणघृताभ्यङ्गादिनियमानुवादः । ' गन्तव्येति ' विधौ कृत्यः । ईप्सिताशब्देन कार्यक्षमतामाह । तथा च दुहितरि अन्धबधिरादौ च जाते पुनर्नियोगो ऽनुष्ठेयः । विधवाग्रहणमतन्त्रम् । क्लीबादिरूपे पत्यौ जीवत्यपि एष एव विधिः । यतो वक्ष्यति— (**मनु०** अ० ९।६३)

" नियुक्तौ यौ विधिं हित्वा वर्तेयातां तु कामतः । तावुभौ पतितौ स्यातां स्नुषागगुरुतल्पगौ ॥" इति ।

निशीति प्रीत्याद्यालोकननिवृत्त्यर्थम् । वचनान्तरेणैव दिवोपगमप्रतिषेधात् " इति ।

पूर्वविहितनियोगप्रतिषेधमाह । **नान्यस्मिन्निति** । पतिभिन्ने इत्यर्थः । **नोद्वाहिकेष्विति** । पूर्वशेषोऽयमर्थवादः । विवाहकर्मणि तत्र तत्र एवमेव मन्त्रप्रयोगः ।

" अर्यमणं नु देवं कन्या अग्निमयक्षत । मया पत्या जरदष्टिः मया पत्या प्रजावतीति "

नैवं श्रूयते, मयाऽत्र नियुज्यसे ततो जनयेति । तादृशमन्त्रग्रहणेन मन्त्रार्थवादा अपि नैवंविधाः सन्तीति दर्शितम् । तदेवाह । **न विवाहविधाविति** । **अयमिति** । अयमप्यर्थवाद एव नियोगप्रतिषेधशेषः । अविद्वद्भिः सम्यक्शास्त्रमन्त्रलिङ्गाद्यनभिज्ञैरयं पशुधर्मः सन्नत्यन्तगर्हितो मनुष्याणामपि प्रोक्तः प्रवर्तितः, सोऽपि इदानींतनो नानादिरित्याह । **वेने राज्यं प्रशासतीति** । राष्ट्रं पालयति सतीत्यर्थः । द्विजैर्हि विद्वद्भिरिति पाठे विगर्हितोऽपि विद्वद्भिर्मनुष्याणां प्रोक्तः, पशूनामेष धर्मो भ्रातृस्त्रीगमनं नाम, स च प्रवृत्तो वेनस्य राज्ये इत्यर्थः । तदेवाह । **स महीमिति** । **भुञ्जन्** पालयन् । ननु राजर्षिप्रवरस्याखिलमहीपालकस्य कथं तत्करणमत आह । **कामोपहतेति** । कामेनोपहता चेतना यस्येत्यर्थः । स्पष्टार्थम् । अर्थवादमाह । **तत इति** ।

मेधातिथिमतं खण्डयति। **न चेति**। अयं हि तदाशयः। नान्यस्मिन्निति निषेधो मृतभर्तृकाया एव न क्लीबादिजीवत्पतिकायाः तेन भिन्नविषयत्वमिति न। सन्तानविच्छेदस्य निमित्तस्य तत्र श्रवणेन तस्योभयत्र तुल्यत्वात्। घृताभ्यङ्गादिनियमस्यापि तत्राभावापत्तेश्च। तथा च विधिवत् निषेधेऽपि विधवाग्रहणस्यातन्त्रत्वेन निषेधस्याविशिष्टत्वेन देवराद्वेत्यादिविधेः नान्यस्मिन्निति निषेधस्य चैकविषयत्वलाभेन षोडशिग्रहणाग्रहणवद्विकल्पः। अयमपि अपत्योत्पादनविधेर्नित्यत्वे बोध्य इति।

नियोक्तॄणामिति। अयमाशयः। तुल्यार्थास्तु विकल्पेरन्नित्युक्तेः समयोर्विकल्पः। अत्र तु "अन्यस्मिन् हि नियुञ्जानाः" इति तेषां निन्दाश्रवणान्निषेधे च तदभावान्न समता विधिनिषधयोः। किंच पुत्रेण लोकान् जयतीत्येवमादिफलोऽपत्योत्पादनाविधिः। तथा चासत्यपत्ये तत्कार्यस्यौर्ध्वदेहिकादेरुपकारस्याभावात् सत्यपत्ये भावाच्छिन्नफलत्वम्। अतो न विकल्पः। षोडशिग्रहणादौ तूभयत्र निन्दाया अश्रवणादङ्गभूयस्त्वेन फलभूयस्त्वेऽपि प्रधानकार्यसिद्धावविशेषाच्च समत्वेन तयोर्विकल्प इति।

तत्र निन्दायाः प्रागुक्तत्वेन व्यभिचारदोषांशे संयमप्राशस्त्ये च **मनु**संमतिमाह। **यथा मनुरेवेति**। प्रतिषिध्य निषेधतीत्यत्रान्वयः। अत एवाहेत्यपपाठः। द्विविधमन्याश्रयणं, जीवनार्थं स्वर्गफलकपुत्रार्थं च। तत्राद्ये आह। **काममिति**। यथेच्छमित्यर्थः। **क्षपयेत्**, कृशीकुर्यात्। **पुष्पेति**। [1]अबहुप्रकृतित्वादेकवत् न। शुभैरित्यिनेन निषिद्धनिरासः। **नामापीति**। आश्रयणादिकं तु दूरापास्तमेवेति भावः।

द्वितीये आह। **आसीतेति**। आङ् मर्यादायाम्। अनेन नैष्ठिकव्रतमुक्तम्। **क्षान्ता** क्षमावती। **नियता** संयता। **एकपत्नीनाम्**। एकपतिकानां **अरुन्धत्यादीनाम्**। **अनुत्तमं** सर्वोत्कृष्टं नैष्ठिकत्वादेव। दृष्टान्तं वक्तुं वृत्तमाह। **अनेकेति**। **कौमारेति**। बाल्यादारभ्य तद्व्रतचारिणामित्यर्थः। अत एव तत् दृष्टान्तेन द्रढयति। **मृते इति**। व्यवस्थितेति विना मध्ये विच्छेदाभावः सूचितः। **स्वर्गमिति**। सूर्यमिति पाठान्तरम्, आर्चिरादिमार्गप्रदर्शकम्।

एवं संयमप्राशस्त्यमुक्त्वा तद्दोषमाह। **अपत्येति**। **भर्तारं** मृतं जीवन्तं च। **इह** भूलोके। तत्खण्डनं उपसंहरति। **तस्मादिति**।

एवं उक्तप्रकारेण। **धर्म्य इति**। धर्मादनपेत इत्यर्थः। अन्यथा तत्कथनस्य निर्विषयत्वापत्तेरिति भावः। **आहेति**। **मनु**रेवेति भावः। अत्र सर्वत्र वर्तमानत्वं स्वव्यवस्थाकालापेक्षया बोध्यम्। **वाचा सत्ये कृते** वाग्दाने निर्वृत्ते। एकेन वाचा दत्ताऽन्येन तथैव प्रतिगृहीतेति यावत्। ननु एवमपि पाणिग्रहणाभावात्कथं पतित्वमाह। **यस्मै इति**। यमुद्दिश्येत्यर्थः। तत्पित्रादये इति भावः। **प्रतिग्रहमिति**। पाणिग्रहणमित्यर्थः। क्वचित्तथैव पाठः। **वचनात्** प्रतिपदपाठित**मनु**वाक्यात्। अस्मादेव गम्यते इति पाठान्तरम्।

"श्यालाः स्युर्भ्रातरः पत्न्याः स्वामिनो देवृदेवरौ।" (२।६।३२)

इत्यमरादाह। **ज्येष्ठः कनिष्ठो वेति**। निज इत्यस्य व्याख्या **सोदर इति**। एवमग्रेऽपि। पूर्वश्लोकोक्तम् "अनेन विधानेन" इति यद्यपि **मेधातिथि**ना वक्ष्यमाणेन विधानेनेत्येवं

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[1] फलसेनावनस्पतिमृगशकुनिक्षुद्रजन्तुधान्यतृणानां बहुप्रकृतिरेव द्वन्द्व एकवदिति वार्त्तिकेन बहुप्रकृतिके एव एकवद्भावस्य नियमात् पुष्पमूलफलैरित्यत्र पुष्पं च मूलञ्च फलं चेति विग्रहकरणात् बहुप्रकृतिकत्वाभावेन नैकवद्भावः।

तत्रैव योजितं तथापि तथा तत्रानुपयोगादाह । **अनेनेति** । गच्छेदित्यत्रान्वयोऽस्य । तस्या अपि विशेषान्तरमाह । **शुक्लेति** । **व्रतं** सङ्कल्पः । स च त्रिविध इत्याह । **मनोवागिति** । शुचित्वमाह । **संयतामिति** । **मिथो** इत्योदन्तमव्ययम् । तदर्थमाह । **रहसीति** । आप्रसवादित्यस्य निषेधेन यथाश्रुतानुपपत्तेरर्थमाह । **आगर्भेति** । **ऋतावृताविति** । पृथक् पृथगित्यपपाठः । सकृत्सकृदित्यस्य व्याख्या । **एकैकवारमिति** । भजेतेत्यस्यार्थो **गच्छेदिति** ।

ननु तामनेनेत्यनेन विवाहस्य विहितत्वात्सा तद्भार्या, स च तत्पतिरिति दाम्पत्यसम्पत्त्या तदुत्पन्नस्तयोरौरस एव स्यान्न पूर्वोक्तोऽत आह । **अयं चेति** । केवलं परार्थः स्वपरार्थो वा वाचनिको यथापूर्वं तन्नियमभिन्नो विवाहसंस्कार इत्यर्थः । अत एवाह । **घृतेति** । नियुक्ताभिगमने यथा घृताभ्यङ्गादिकमङ्गत्वेन विधीयते तथाऽयं विवाहोऽपि नियुक्ताभिगमनेऽङ्गं न स्वातन्त्र्येण प्रधानकर्म । येन दाम्पत्यप्रसंगः । पुनर्भूत्वादूढाया भार्यात्वासम्भवात् । अत एव तदग्रे **मनुः**—(अ० ९।७१) " न दत्त्वा कस्यचित्कन्यां पुनर्दद्याद्विचक्षणः । दत्त्वा पुनः प्रयच्छन् हि प्राप्नोति पुरुषानृतम् ॥"इति ।

'पुरुषेति । मनुष्यहरणे यत्पापं तत्तस्य भवतीत्यर्थः । तथा च दानाभावे कथं भार्यात्वम् । अतो न स औरसः पुत्रोऽपि तु क्षेत्रज एव क्षेत्रस्वामिनः संविद्भावे । तत्सत्त्वे तूभयोरपि । तत्रापि बीजिन औरससमो नौरस इत्यग्रे स्फुटीभविष्यतीति भावः । तदाह । **अत इति** । आगर्भग्रहणादित्युक्तेः सकृद्गमनोपदेशाच्च ' यस्मै वाग्दत्ता तदपत्यं भवतीति ' **कुल्लूकभट्टः** ।

इत्थमाचार्यमतं प्रतिपादितम्, ' अत्रापीत्यादिनोभयोरपि इत्यन्तेन ' । यद्यप्यत्र तत्त्वेन नोक्तं किन्तु सामान्येन तथाप्याचाराध्याये स्वयं स्पष्टं तथैवोक्तमिति तथैव बोध्यम् । वस्तुतस्तु नेदं युक्तम् ।

" अद्भिश्च वाचा दत्तायां म्रियेतादौ वरो यदि । न च तौ दम्पती स्यातां कुमारी पितुरेव सा ॥ "

इति **वसिष्ठ**विरोधापत्तेः । " न च मन्त्रोपनीता स्यात् " इति तृतीयपादे पाठान्तरं, " कुमारी पुनरेव सा " इति चतुर्थपादे । किं च वाग्दानोत्तरं वरे देशान्तरं गतेऽपि हि विशेषो **नारदे**नोक्तः स विरुध्येत । (अ. १२ श्लो. २४।२-३)

" प्रतिगृह्य तु यः कन्यां वरो देशान्तरं व्रजेत् । त्रीन् ऋतून् समतिक्रम्य कन्याऽन्यं वरयेद्वरम् ॥
" स्त्रीपुंसयोस्तु सम्बन्धाद्वरणं प्राग्विधीयते । वरणाद्ग्रहणं पाणेः संस्कारोऽपि विचक्षणैः ॥
" तयोरनियतं प्रोक्तं वरणं दोषदर्शनात् " । इति ।

प्रतिगृह्य वाचा दत्तां स्वीकृत्य । संवत्सरमतीति पाठान्तरम् । स्त्रीपुंसयोः संसर्गात् प्राक् त्रितयं क्रियते, वरणं पाणिग्रहणं सप्तपदीप्रक्रमश्चेति । तत्र वरणं नाम वरस्य सम्प्रदानत्वाय कन्यादात्रा प्रार्थनम् । तदेव च वाग्दानम् । एवं स्थिते तयोः पाणिग्रहणसप्तपदीप्रक्रमयोः पूर्वभावि यद्वरणं तदनियतमनियामकमित्यर्थः । तयोरेव भार्यात्वोत्पादकत्वादिति भावः । अत्र **मनु**रनुपदमेव स्फुटीभविष्यति । दोषेति । अस्यार्थः वरणस्यानियामकत्वेऽपि पूर्ववरस्य दोषे सत्येवेतीति । इदं च **माधवीये** स्पष्टम् । एतदेकवाक्यतयैव **माधवेन**—

१ अ. १७।७२

" वरयित्वा तु यः कश्चित्प्रणश्येत्पुरुषो यदा । रक्तागमांस्त्रीनतीत्य कन्याऽन्यं वरयेत् पतिम् ॥"

इति **कात्यायनो**क्तं । प्रणश्येद्देशान्तरं गच्छेत् अन्यथा प्रतीक्षावैयर्थ्यापत्तेरित्येवं व्याख्यातम् । वरामिति पाठान्तरम् । मन्त्रोपनीता पाणिग्रहणमन्त्रजन्यसंस्कारवती । इत्थं एतदेकवाक्यतयोक्त**नारदीये** ऋतुपदेन रजोदर्शनमेव न तु कालः । एवं च संवत्सरमतीति पाठान्तरमयुक्तमेवेति बोध्यम् । तथा च पाणिग्रहणादिकं विना वाचा दानमिवाद्भिरपि दानं न भार्यात्वोत्पादकमित्यर्थः । कुमारी पितुः अन्यस्मै यादृशसम्बन्धेन पित्रा विवाह्यते तादृक्पितृसम्बन्धवती । तथा च न तस्या वैधव्यम् । एतत्परमेव **यम**वाक्यं पूर्वाध्याये उक्तं तादृशम् । तथा च **पराशरोऽपि**—

" नष्टे मृते प्रव्रजिते क्लीबे च पतिते पतौ । पञ्चस्वापत्सु नारीणां पतिरन्यो विधीयते ॥ " इति ।

वाग्दानान्तरं पाणिग्रहणात्प्राक् पतौ सम्भावितोत्पत्तिकपतितत्वे पूर्वस्मिन्वरे नष्टे सति लक्षणया दूरदेशगमनेनापरिज्ञातवृत्तान्ते सतीत्यर्थः । एवं दुष्टे पूर्ववरे वाग्दत्ताऽपि वरान्तराय देयेत्यपि सिद्धम् । एवं च "वाग्दत्ता, मनोदत्ता, अग्निं परिगता, सप्तमं पदं नीता, भुक्ता, गृहीतगर्भा, प्रसूता चेति सप्तविधा पुनर्भूः तां गृहीत्वा न प्रजां न धर्मं विन्देदिति" **बोधायनोक्तो** वाग्दत्तामनोदत्तयोर्निषेधः पूर्ववरस्य निर्दोषत्वे सति बोध्यः । अत एव **नारदः**— (अ० १२।३२)

"दत्त्वा न्यायेन यः कन्यां वराय न ददाति ताम् । अदुष्टश्चेद्वरो राज्ञा स दण्ड्यस्तत्र चोरवत् ॥"

इति तत्रैव दण्डं विधत्ते । प्रदानं स्वामित्वहेतुर्न तु वाग्दानम् । तथा च **मनुः ।**

" मङ्गलार्थं स्वस्त्ययनं यज्ञश्चासां प्रजापतेः । प्रयुज्यते विवाहेषु प्रदानं स्वाम्यकारकम् ॥ "
(अ० ५।१५२)

" पाणिग्रहणिका मन्त्रा नियतं दारलक्षणम् । तेषां निष्ठा तु विज्ञेया विद्वद्भिः सप्तमे पदे ॥ "
इति । (अ० ८।२२७)

स्वस्त्ययनं कुशलेन कालातिवाहनहेतुः करणसाधनत्वात् कनकधारणादि स्वस्ति भवन्तो ब्रुवन्त्वित्यादि च यत्, यश्च प्रजापतिदेवताको वैवाहिको होमस्तत्सर्वं मङ्गलार्थम् । अभिमतार्थसिद्धिर्मङ्गलं तदर्थम् । निष्ठा भार्यात्वसमाप्तिरूपा । प्रतिगृह्य वाग्दानेन गते वरे ऋतुत्रयप्रतीक्षणादिकं मुख्यप्रागुक्तकालादूर्ध्वमपि दात्रा अदीयमानत्वविषयमेव । " गम्यं त्वभावे दातॄणा " ' मित्याद्येकवाक्यत्वात् । तस्माद्वाग्दानस्थले उक्त एव प्रकारभेदः । ' अपुत्रां गुर्वनुज्ञात ' इति ' अपुत्रेण परक्षेत्रे ' इति च मूलं विवाहिताविषयमेव । तथैव च व्याख्यातं व्याख्यात्रा । **मनू**क्तनियोगोऽप्येतद्विषय एव । अत एव तत्र विधवापदोक्तिस्वारस्यम् । " नान्यस्मिन्निति " निषेधस्तु देवरसपिण्डसगोत्रान्यविषयकः । क्रमोक्त्या स्वरसतस्तथैव प्रतीतेः । एतस्यैव पोषकं " नोद्वाहिकेष्विति " प्रागुक्तनियोगान्यसामान्यनियोगाद्यभावबोधकम् । एकं पुत्रमित्याद्युक्तपोषकमेव । **अयमिति** । अत एव पशुधर्म इत्युक्तम् । स च वारं वारं नियोजनादिरूपः । तदेव द्रढयति । **तत इति** । सामान्येनोक्तनियमानादरेण पुनः पुनस्तदर्थं नियोजयतीत्यर्थः । अत एव व्यभिचारदोषश्रवणस्य संयमप्राशस्त्यस्य चोपपत्तिरिति न तद्विरोधः । " यस्या म्रियेतेति " तु देवरसत्वेऽन्यस्मै न देया किंतु तस्मा एव

१ क—पत्न्ये ।

देयेत्येवंपरम् । अत एव " यथाविधीति " पदं सर्वं सफलम् । पुनरुपनयने विशेषवदत्र पुनर्विवाहे न विशेष इति यथाविधीत्युक्तम् । अधिगम्येत्यनेन दांपत्यमुक्तम् । शुक्लेत्यादिना तस्यामदुष्टात्वं, भजेतेत्यनेन यावज्जीवं रमणाद्युक्तम् । अत एव आप्रसवादित्युक्तिर्वीप्साद्वयं च । अन्यथा तस्य सामान्यसिद्धत्वादेव वीप्सानर्थक्यं स्पष्टमेव । एवं च प्रधान एवायं विवाहो नाङ्गम् । अत एवानेन विधानेन विन्देतेत्युक्तम् । देवर इति पतिरिति च सूत्रशाटकवत् भाविसंज्ञया । प्रागुक्त**कात्यायनीये** पतिमितिवत् । एवं च **कुल्लू**कभटोक्तमेव युक्तम् । एवं शुल्कदमरणे **मनुः**—(अ० ९।९७)

" कन्यायां दत्तशुल्कायां म्रियेत यदि शुल्कदः । देवराय प्रदातव्या यदि कन्याऽनुमन्यते ॥ "

इति । अनेन च तस्मै दानं स्पष्टमेवोक्तम् । यदि कन्येत्यनेन तथा तदनुमतौ देवराय देया, तदन्यानुमतौ तदन्यस्मै देया, विवाहमात्राननुमतौ तु कस्मा अपि न देयेति, तया नैष्ठिकव्रतमेव कर्तव्यमिति सूचितम् ।

शुल्कदातुर्देशान्तरगतौ तु **कात्यायनः**—

" प्रदाय शुल्कं गच्छेद्यः कन्यायाः स्त्रीधनं तथा। धार्या सा वर्षमेकं तु देयाऽन्यस्मै विधानतः ॥ "

" अथ प्रवृत्तिरागच्छेत् प्रतीक्षेत समात्रयम् । अत ऊर्ध्वं प्रदातव्या कन्या ऽन्यस्मै यथेच्छतः ॥ "

इति । अत्र धार्येत्यनेन धार्यत्वेन ततः पूर्वमपि देयेति सूचितम् । बहुभिर्निर्दोषैर्वरणे कृते विशेषमाह **स** एव—

"अनेकेभ्योऽपि दत्तायामनूढायां तु यत्र वै । पुराऽऽगतश्च सर्वेषां लभेतायो वरस्तु ताम् ॥ "

" पश्चाद्वरेण यद्दत्तं तस्याः प्रतिलभेत सः । अथागच्छेत्समूढायां दत्तं पूर्ववरो हरेत् ॥ "

इति । वरो विवाहार्थोपस्थितस्तेन यच्छुल्कं दत्तं तदेव लभेतेत्यर्थः । तत्र वै पुरागतश्च सर्वेषां लभते तदिमां सुतामिति पाठान्तरम् । अन्यस्मै दत्तायां कन्यायां पूर्ववरोऽप्यायाति तदाऽनूढां तां लभते, ऊढायां तु स्वदत्तं द्रव्यमेव लभते, न तु कन्यामित्यपि सिद्धम् । अत एव तस्माद्विज्ञानेश्वरीयमूलार्थप्रतिपादनमेव युक्तम् । अत एव न स्वपूर्वविरोधः । अत्रापि प्राग्वत्तथावाच्ये तदनुक्तिः प्राक् तथोक्तत्वात् । उक्तनिष्कर्षाकथनबीजं त्वस्य 'देवराच्च सुतोत्पत्तिरिति' कलिवर्ज्येषु गणनात् अनास्थारूपमेव ।

"उद्वाहिताऽपि सा कन्या न चेत्संप्राप्तमैथुना । पुनः संस्कारमर्हन्ती यथा कन्या तथैव सा ॥."

इति **नारदीय**मपि ऊढायाः पुनरुद्वाहमिति कलिनिषिद्धमेव । न च कलिनिषिद्धस्यापि युगान्तरीयधर्मस्यैव 'नष्टे मृते' इत्यादि **पाराशरं** प्रतिपादकमस्त्विति वाच्यम् । 'कलावनुष्ठेयान् धर्मानेव वक्ष्यामीति' प्रतिज्ञाय तद्ग्रन्थप्रणयनात् । अत एव भगवता **योगीश्वरेण** अत्र आचाराध्याये च संक्षेपेणैवोक्तं न तु **मनु**वद्विस्तृततयेति दिक् इति बोध्यम् ॥ १२७ ॥

प्रसङ्गसंगतिमाह । **समानेति । तेषां** । तेषां चेत्यर्थः । **क्लृप्तिः** कल्पना । मुख्याश्च गौणश्चेत्यादिकसमासः । **व्यवस्थां,** नियमम्, बहूनां समवधाने एवमेवेत्येवंरूपम् । **स्वरूपमिति** जातावेकवचनम् । स्वरूपाणीत्यर्थः । क्रमेणेति शेषः । अत एव वक्ष्यति इति **अनुक्रम्येति** ।

·।ज्ञवल्कीये १२८ श्लोकः ।

इदमुपलक्षणं लक्षणानामपि । अत्रौरस इति लक्ष्यं, धर्मेति लक्षणम् । आद्यमपि योगरूढम् । तत्र यद्यपि उरसि जातस्ततः प्रभवति वेत्येव शास्त्रीयशब्दः, तथापि— " अङ्गादङ्गात्संभवसि हृदयादधि जायसे । " इति श्रुत्यनुरोधेन फलितार्थमाह । **उरसो जात इति ।** यद्यपि यो धर्मपत्नीजः स औरस इत्याद्युद्देश्यविधेयभावस्तथापि योगार्थेन तस्य ज्ञातत्वात्तेन रूपेणोद्दिश्य रूढ्यर्थविधानमित्याह । **स च धर्मपत्नीज इति ।** यद्यपि मूले नोक्तं तथापि ' सवर्णायां संस्कृतायामिति ' (२।२।१४) **बौ[illegible]क्तमाह । सवर्णेति ।** ननु नासौ मूलाक्षरार्थः । किं च स्वक्षेत्रे संस्कृतायामित्येवं **मनुविष्णुवसिष्ठदेवला**दिभिर्बहुभिरुक्तमिति सवर्णेत्युपलक्षणमेवैकत्रेत्याशयेन सर्वाभिमतमूलार्थमाह । **धर्मेति ।** धर्मेत्यनेन यस्य यो न धर्मविवाहस्तदूढानिरासः । तथा च धर्मपत्नी द्विजानां द्विजैव, शूद्रस्य तु मुख्यपत्न्यभावेऽपि तत्तुल्या परिणीता । **तस्यां जात इति ।** स्वस्मादिति शेषः । अत एव **विष्णुना** " स्वक्षेत्रे संस्कृतायां स्वयमुत्पादितः प्रथमः " इत्युक्तम् । **मनुनाऽपि,** (अ. ९ श्लो. १६६)

" स्वक्षेत्रे संस्कृतायां हि स्वयमुत्पादयेत्तु यम् । तमौरसं विजानीयात्पुत्रं प्रथमकल्पितम् । "

इत्युक्तम् । एतदर्थमेव धर्मपदम् । तेन प्रतिलोमजानां न तत्त्वम् । तथा च पत्नीत्वं मुख्यमविवक्षितमिति शूद्राऽपि तादृशी द्विजानाम् । अत एव तज्जस्यौरसत्वं वक्ष्यते " शूद्रापुत्रस्त्वौरसोऽपि " इति भावः । अवतरणोक्तमुख्यत्वं प्रतिपादयति । **औरसः पुत्रो मुख्य इति ।** तथा च तद्वत् आसुरादिविवाहोढसवर्णापुत्रः, अनुलोमेन विवाहितक्षत्रादिस्त्रीषु विप्रादुत्पन्नो मूर्धावसिक्तः, अम्बष्ठो, निषादापरपर्यायः पारशवश्च, वैश्यादिस्त्रियो राज्ञ उत्पन्नौ माहिष्योग्रौ च, शूद्रायां वैश्यादुत्पन्नः करणश्चेत्येतेऽप्यौरसा एव । अत एव वक्ष्यति, मूर्धावसिक्तादीनामौरसेष्वेवान्तर्भावादितीति बोध्यम् ।

अग्रिमांशं सप्रतीकधारणं व्याचष्टे । **तत्सम इति ।** इदं लक्ष्यम्, अवशिष्टं लक्षणम् । एवमग्रे सर्वत्रोभयं बोध्यम् । एतद्व्याख्याने बीजमाह । **अत एवेति ।** यत औरस्याः पुत्रिकायाः सुतोऽत एवौरससमत्वं, न साक्षादौरसत्वं, व्यवहितत्वादित्यर्थः । इदं च दायग्रहणे न पिण्डदाने । इदमपि संवित्सत्त्वे एव नान्यथेति ध्वनयन्नाह । **यथाहेति ।** संवित्करणे बीजमाह । **अभ्रातृकामिति ।** " अकृता वा कृता वेति " (अ० ९ श्लो० १३६) **मनु**रप्यत्र बोध्यः । एतेन द्वितीये साधकत्वेन तदुक्तिः केषांचिदपास्ता । अयं मातामहस्यैव । तथा संविदा तु बीजिनोऽपि । अत एव **यमः,**

" कुर्यान्मातामहश्राद्धं नियमात्पुत्रिकासुतः । उभयोरर्थसम्बद्धः स कुर्यादुभयोरपि ॥ " इति ।

तथा चायमपि द्व्यामुष्यायणः । संविदंशे तत्त्वं तु अरोगिणीं भ्रातृमतीमित्यत्रोक्तम् ।

वसिष्ठानुरोधेन, कर्मधारयस्य ततो लघुत्वाच्चाह । **अथवेति ।** नन्वत्र मते तत्सम इति विरुद्धमव्यवहितत्वात्, अत आह । **सोऽप्यौरसेति ।** पित्रवयवानां तस्यामल्पत्वात् अवयवबाहुल्याभावेन व्यवहितत्वात्तत्त्वमिति भावः । अत्र सम इत्युक्त्याऽस्यापि कलिवर्ज्यत्वं नेति स्फुटमग्रे । तमेवाह । **यथाहेति ।** तत् व्याचष्टे । **तृतीयः पुत्र इति । वसिष्ठेन** तृतीयत्वेन पुत्रिका परिगणिता न मूलकृतेति ज्ञेयम् ।

ननु द्व्यामुष्यायणः प्रागुक्तो बीजिनः किमौरस उत तत्समाद्यन्यतमोऽत आह । **द्व्यामुष्यायणस्त्विति । औरसादपकृष्ट इति ।** औरससम इत्यर्थः । औरसापेति पाठान्तरम् । औरसविशिष्ट इति पाठोऽप्येवम् । तत्र हेतुमाह । **अन्वेति ।** एतेन व्यवहितत्वाभावात्कथं तत्त्वमित्यपास्तम् ।

प्राग्वदाह । **क्षेत्रज इति । सगोत्रेणेति ।** सवर्णेनेत्यादिः सर्वत्र । इतरेणेति द्विधा व्याचष्टे । **सपिण्डेनेति ।** सगोत्रान्यसपिण्डेनेत्यर्थः । मूलस्थ एव वाशब्द इत्याह । **वोत्पन्न इति ।** विधवायाम् 'अपुत्रां गुर्वनुज्ञात' इति मूलोक्तविधिना नियोगधर्मेणेति शेषः । 'यस्या म्रियेते'त्युक्तेरिति भावः । पुत्रजननासमर्थस्य जीवतोऽपि पत्युर्नियोगेन तत्क्षेत्रे सवर्णात्तादृशाज्जातश्चेत्यपि बोध्यम् । अत एवात्र साधारणमुक्तम् । तथा च **मनुः**, (अ० ९ श्लो० १६७)

" यस्तल्पजः प्रमीतस्य क्लीबस्य व्याधितस्य च । स्वधर्मेण नियुक्तायां स ज्ञेयः क्षेत्रजः सुतः ॥ "

इति । अयं च क्षेत्रिण एव अनेन विधिना जात इत्युक्तेः । बीजिनोऽपि पुत्रेच्छायां तस्यापि । 'अपुत्रेण परक्षेत्रे' इति मूलोक्तेः ॥ १२८ ॥

याज्ञवल्कीये १२९ श्लोकः ।

उत्पन्न इति । निश्चितपुरुषविशेषात्सवर्णादिति भावः । तदेवाह । **हीनेत्यादि ।** सर्वमेकं वाक्यम् । अत्र तन्निश्चयाभावे न तस्याः किं त्वन्येषाम् । एवं तन्निश्चयस्तद्द्वारा । तया तत्स्वरूपस्य ज्ञातत्वात् । यत्र तु बलाद्रहसि निशि तमोवृतायां पुरुषान्तरसम्भोगात्साऽपि वर्णविशेषं न जानाति तत्र स गूढजनाममात्रधारी न प्रोक्तगूढजवत्प्रशस्त इति **मदनपारिजातकृत् ।** स त्याज्य एवेत्यन्ये । अयमपि क्षेत्रिण एव । तथा च **मनुः**, (अ. ९ श्लो० १७०)

" उत्पद्यते गृहे यस्य न च ज्ञायेत कस्य सः । स गृहे गूढ उत्पन्नस्तस्य स्याद्यस्य तल्पजः ॥" इति ।

पूर्ववदिति । पूर्वो यथा सवर्णजस्तद्वदयमपि सवर्णज इत्यर्थः । **कन्यकायामि**त्यस्याविवाहितायामिति मात्रं नार्थः । तत्रापि पुरुषासम्बन्धे तत्प्रयोगदर्शनात् । किं तु अमन्त्रवत्संस्कारपूर्वकक्षतयोन्यामित्यर्थः । तत्त्वमेव हि तत्प्रवृत्तिनिमित्तमित्यन्यत्र स्पष्टम् । अग्रे वक्ष्यते च । तदेतत् ध्वनयन् विकल्पमाह । **यद्यनूढेति ।** मध्यमणिन्यायेनाग्रेऽपि अन्वयसूचनार्थम् उभयसाधारणं निमित्तान्तरं भेदेनाह । **तथेति ।** चार्थेऽयम् । तत्रैव संस्थिता चेत्यर्थः । **अथोढेति ।** तत्रैव स्थिता चेत्यर्थः । तथा च विवाहात्प्रागुत्पन्नस्तत्र मातामहस्य, तदुत्तरमुत्पन्नस्तत्र वोढुरिति सिद्धम् । अत्रोभयत्र **मनु**संमतिमाह । **यथाह मनुरिति ।** पितृगृहे स्थिता कन्या क्षतयोनिः सुता रहो व्यभिचारेण यं पुत्रं जनयेत् कन्यासमुद्भवं तं तु नाम्ना कानीनं वदेत् स वोढुर्भवतीत्यर्थः । अत्र वोढुरित्युपादानाद्विवाहिता चेत्तदा वोढुर्नो चेन्मातामहस्येत्येतद्गम्यते । अत एव **वसिष्ठः** (अ. १७ सू. २१।२२) " कानीनः पञ्चमो यं पितृगृहेऽसंस्कृता कामादुत्पादयेत्स कानीनो मातामहस्य पुत्रो भवतीति "।

" अप्रत्ता दुहिता यस्य पुत्रं विन्देत तल्पजा । पुत्री मातामहस्तेन दद्यात्पिण्डं हरेद्धनम् ॥" इति च ।

अत्रापि एकस्यैवापुत्रत्वे तस्यैव, उभयोरपि तत्त्वे उभयोरपीति बोध्यम् ॥ १२९ ॥

याज्ञवल्कीये १३० श्लोकः ।

स्वरीत्यैवाह । **पुत्रोऽक्षतायामिति** । पत्या अभुक्तायां, भुक्तायां वा जीवता पत्या त्यक्तायां, विधवायां वेत्यर्थः । तथा च **विष्णुः,**

"या तु पत्या परित्यक्ता विधवा स्वेच्छयाऽथवा । उत्पादयेत्पुनर्भूत्वा स पौनर्भव उच्यते ॥ " इति ।

अयं बीजिन एव । परित्यागेन मरणेन च भर्तुः क्षेत्रस्वत्वाभावात् । नियोगस्याभावात् स्वेच्छाग्रहणाच्च ।

मौलक्रमेणैवाह । **मात्रेति** । अस्याः पत्यसांनिध्ये दानेऽधिकारः । तच्च द्विविधम् । तत्राद्ये आह । **भर्त्रनुज्ञया प्रोषिते इति** । तयैवेत्यर्थः । सन्निहितेऽनधिकारिणि वेत्यपि बोध्यम् । द्वितीये आह । प्रेते वा भर्तरीति । तथा चात्र स्वातन्त्र्यम् । तथा च **वसिष्ठः,** (अ.१५सू.१-२) " शुक्रशोणितसम्भवः पुत्रो मातापितृनिमित्तकस्तस्य प्रदानविक्रयत्यागेषु मातापितरौ प्रभवतः" इति ।

मौलं पक्षान्तरमाह । **पित्रा वेति ।** अनयोश्चायं विशेषः । उभयोर्जीवने अस्यापि पत्यनुमत्यैव दातृत्वम् । अत्यन्तापदि तु कथंचिदपि तदनुमत्यलाभे स्वातन्त्र्यमपि । यद्यपि मूले एतावदेवोक्तं तथापि दद्यातामिति **मन्वनु**रोधेन कैमुतिकन्यायेन च लब्धमर्थमाह । **उभाभ्यां वेति ।** पुत्रस्य सवर्णत्वे प्रतिग्रहीतुरपि तत्त्वमर्थसिद्धमेवेत्याह । **सवर्णायेति** । सवर्णो य इति पाठान्तरम् । **यस्मा इति** । योऽत्यन्तदुर्गत्या भरणासामर्थ्येन । विधिपूर्वक इति शेषः । **सः,** प्रतिगृहीतसवर्णः । **तस्येति** । प्रतिग्रहीतुरेवेत्यर्थः । अयमद्व्यामुष्यायणः । व्यामुष्यायणोऽप्ययमस्तीत्यन्यत्र स्पष्टम् । तत्र मानं **मनुमाह । यथाहेति** । अत्र वाशब्दद्विवचनयोः स्वारस्यादध्याहारेणार्थत्रयलाभः । तथा च भर्तरि प्रोषितादौ तदनुमत्यैव मृते वाऽऽपदि केवलमातुरधिकारो दाने, तथा मातरि मृतायामुन्मादादिदोषयुक्तायां वा तदननुमत्या, पितृगृहस्थितायां वा तदनुमत्यैवापदि केवलं पितुरधिकारस्तत्र । अन्यथोभयोरपि सहैवेति बोध्यम् ।

तथा च **वसिष्ठः,** (अ. १५ सू. ५) "न स्त्री पुत्रं दद्यात्प्रतिगृह्णीयाद्वा ऽन्यत्र भर्तुरनुज्ञानादिति " । स्त्रीग्रहणात्पत्युः पूर्वोक्ते एव विषये स्वातन्त्र्यं द्योत्यते, न तु सर्वदा । उपक्रमविरोधात् । विशेषणे निषेधसंक्रमाद्दाने इव प्रतिग्रहेऽपि स्त्रिया अधिकारः । होमस्तु न भवति ।

शौनकोपि, " वन्ध्या वा मृतपुत्रा वा पुत्रार्थं समुपोष्य च । " इति ।

इदं च सधवाविधवोभयसाधारणम् इति स्पष्टमेव । एतेनात्र चशब्दः पठितुं युक्तो न वाशब्द इत्यादि **मेधातिथ्युक्त**मपास्तम् । 'अद्भिरिति' **वसिष्ठोक्त**विध्युपलक्षणम् । **सदृशं,**प्रतिगृहीतृसवर्णम् । एतेन तत्त्वं न जातितः, किं तु कुलानुरूपैर्गुणैः । तथा च ' क्षत्रियादिरपि ब्राह्मणस्य दत्तको ' युज्यते इति **मेधातिथ्युक्त**मपास्तम् । सवर्णसदृशपठितस्यापि तत्त्वस्यैवौचित्यात् । ' सजातीयेष्विति ' **मूलोक्तेश्च । प्रीतीति** लोभभयद्वेषादिनिरासार्थम् । इदं च देयपुत्रविशेषणम् ।

" विक्रयं चैव दानं च न नेयाः स्युरनिच्छवः । " इत्युक्तेः ।

दत्त्रिम इति । 'त्रेर्मब्' (व्या. सू. ४।४।२०) इत्यमिति साधुः । **आपदी**त्यस्य दुर्भिक्षादावित्यर्थः । यत्तु तस्य प्रतिग्रहीतुरपुत्रत्वे इत्यर्थः । तथा च सपुत्रत्वे तस्यैव दोषः ।

" अपुत्रेणैव कर्त्तव्यः पुत्रप्रतिनिधिः सदा । पिण्डोदकक्रियाहेतोर्यस्मात्तस्मात्प्रयत्नतः ॥ "

इत्यत्र्यादिस्मरणादिति । तन्न । तथा सत्त्वेऽपि तदापत्तेर्ग्रहणस्यात्रोपस्थापकाभावात् । तदेतत् ध्वनयन् तल्लब्धमर्थमाह । **आपदिति । न देय इति ।** इति गम्यते इति शेषः । तत एवाह । **दातुरिति ।** अनापदीत्यादिः । न प्रतिग्रहीतुरित्यर्थः । तथा च तत्र दाने तस्यैव दोषो न त्वस्येति भावः । इत एव सङ्गतेर्विशेषमाह । **तथेति । न देय इति ।** नापि प्रतिग्राह्य इति शेषः । तथा च तथाकरणे उभयोर्दोष इति भावः । **वाशब्दः** चार्थे । स हि सन्तानाय पूर्वेषामिति तच्छेषः । **शौनको**ऽपि,

" नैकपुत्रेण कर्तव्यं पुत्रदानं कदाचन । बहुपुत्रेण कर्तव्यं पुत्रदानं प्रयत्नतः" ॥ इति ।

अत्र नैकेति निषेधविधिः । ततोऽर्थलब्धार्थानुवादकमुत्तरार्द्धं, न तु सोऽपि विधिः । तथा सति आपद्यपि यथाकथञ्चित्स्ववाग्निर्वाहेण तद्दाने दोषापत्तेः । प्रयत्नत इत्युक्त्याऽस्यावश्यकत्वलाभेन नित्यविधित्वे निमित्तफलयोरनपेक्षयाऽऽपदाद्यनपेक्षत्वेन तत्रापि पद्करणे दोषापत्तेश्च ।

एतेन नैकेत्येव सिद्धे बहुपुत्रेणेत्याद्युक्त्या द्विपुत्रस्य तद्दाने नाधिकार इति लब्धमित्यपास्तम् । उक्तयुक्तेः । एकपुत्रस्य तद्दाने **वसिष्ठो**कस्य हेतोः स हीत्यादेस्तत्राभावाच्च । तस्मात्तदेकवाक्यतयाऽपि तथैव । अत एव बहुशब्दोऽनेकपर एव । प्रयत्नत इत्यपि **वसिष्ठो**क्तविधिपरमेवेति बोध्यम् । तदेतत् ध्वनयन् विशेषान्तरमाह । **तथाऽनेकपुत्रेति ।** अन्यथा बहुपुत्रेत्युक्तं स्यात् । तथा च **वासिष्ठे** एकं पुत्रमित्युपलक्षणम् ।

मनुमाह । ज्येष्ठेनेति । अस्य यथाश्रुतार्थो न विवक्षितोऽन्यविरोधापत्तेः, अत आह । **इति तस्यैवेति ।** अनेनेत्यर्थः । **मुख्यत्वात्,** मुख्यत्वप्रतिपादनात् । तथा च परलोकहानिरेवेति भावः । अत एव स्मृत्यन्तरमपि, ' न ज्येष्ठं पुत्रं दद्यादिति ' ।

अद्भिरित्यनेन सूचितमाह । **पुत्रप्रतीति । [illegible],** गृहस्य । " सन्देहे चोत्पन्ने दूरशूद्रमिव स्थापयेत् । विज्ञायते ह्येकेन बहून् ततस्त्रायते" इति तच्छेषः । (अ. १५सू. ७-८) । सति सम्भवे **बन्धुसन्निकृष्टं,** भ्रातृपुत्रादिकम् । तदभावे **अदूरबान्धवं,** सन्निहितदेशवृत्तिपित्रादिकं ज्ञातकुलशीलम् अन्यमपि । परीक्षितस्यापि कथञ्चित् ब्राह्मण्यादिसन्देहे उत्पन्ने यावत्तन्निवृत्तिं दूरे स्थापयेत् तेन न व्यवहरेत् । अपुत्रस्य पुत्रीकरणावश्यकत्वद्योतनाय श्रुत्याकर्षः । **विज्ञायते इति ।** श्रूयते इत्यर्थः । **हि** यत **एकेना**नौरसेनापि पुत्रेण **बहून्** पित्रादीन् ततः नरकात् **त्रायते** इति अर्थः । किञ्चिद्दूरस्थसङ्ग्रहायाह । **अदूरमिति ।** अनेनेत्यर्थः ।

दत्तके उक्तपुत्रीकरणविधिं क्रीतादिष्वप्यतिदिशति । **एवं क्रीतेति ।** प्रागुक्तं होमभिन्नं सर्वमपि ग्रहणापादानग्रहीतृविषयकं नियमनमित्यर्थः । यथायोग्यं दृष्टार्थत्वात् **वसिष्ठेन** विक्रयत्यागोपादानाच्च । स्वयंदत्ते तु होमोऽपि । तत्रापि प्रतिग्रहसत्त्वात् । एवमपविद्धेऽपि यथासम्भवं बोध्यमिति भावः । अतिदेशवचनाभावेऽपि युक्तिरेव नियामिकेत्याह । **समानेति** ॥ १३० ॥

[illegible] १३१ श्लोकः ।

ताभ्यामिति मूलस्थस्य व्याख्या **मातेति ।** ननु एवं मात्रा पित्रा वेत्यधिकमत आह । **पूर्ववदिति ।** तथा च तुल्यन्यायत्वात्तथोक्तावपि तल्लाभ इति भावः । तत एव चाह । **तथ्रकमित्या** [illegible] ।

सवर्ण इत्यंशे **मनु**विरोधं परिहरति। **यस्त्विति । मातापित्रोरन्तिकात्** । सकाशादित्यर्थः । **तस्य,** क्रेतुरेव । सदृशोऽसदृशोऽथवेति पाठः । सदृशोऽसदृशोऽपि वेति पाठान्तरम् । **न जात्येति ।** ब्राह्मणत्वादिनेत्यर्थः । निषेधे हेतुमाह । **सजातीयेष्विति ।** मूलकृतेति शेषः । तथा च तद्विरोधान्न तथा व्याख्यानं किं त्वगत्या तथैवेति भावः ।

पुनःसिंहावलोकनन्यायेन सप्रतीकं व्याचष्टे। **कृत्रिम इति** । तथा च **मनुः**—(अ. ९।१६९)

" सदृशं यं प्रकुर्वीत गुणदोषविचक्षणम् । पुत्रं पुत्रगुणैर्युक्तं स विज्ञेयस्तु कृत्रिमः ॥ " इति ।

अयमपि तस्यैव प्रलोभनैरिति । तथा च मौढत्वमपि तत्र बोध्यम् ।

अत्र दत्तात्मेति लक्ष्यनिर्देशः स्वयं दत्त इति लक्षणम् इत्याशयेनाह । **दत्तात्मा त्विति । त्यक्त इति ।** अकारणे इति शेषः । **इति,** इत्येवम् । स्वयंदत्त इत्यस्यार्थः । **उपनत इति ।** प्राप्त इत्यर्थः ।

अन्ये तु विपरीतो लक्ष्यलक्षणभावः । तथा च तादृशः तवाहं पुत्रो भवामीत्येवमात्मानं दत्तवान्पूर्ववत् गृहीतो यः स स्वयंदत्त इत्यर्थः ' इत्याहुः । तथा च **मनुः**, (अ. ९।१७७)

" मातापितृविहीनो यस्त्यक्तो वा स्यादकारणात् । आत्मानं स्पर्शयेद्यस्मै स्वयं दत्तस्तु स स्मृतः ॥ " इति ।

सहोढज इत्यस्य तया सह य ऊढो विवाहितो गर्भस्तस्माज्जात इत्यर्थः । गर्भस्योढत्वात्तस्याप्यूढत्वमिति । सहोढ इत्यपि नामान्तरं मानवादौ, तत् ध्वनयन् " गर्भे विन्न " इति लक्षणं शेषपूरणेन व्याचष्टे । **गर्भे स्थित इति ।** विन्न इत्यस्य व्याख्या **परिणीतायामिति । अन्ये** तु गर्भे स्थितः गर्भिण्यां परिणीतायां स्वीकृतः गर्भेण सह योढा पश्चात्तस्यां जात इत्यर्थः । 'ङ्यापोरिति ' (व्या. सू. ६।३।६३) ह्रस्व इत्याहुः । सवर्णात्सम्भूतत्वं तु उभयथाऽपि बोध्यम् ।

तथा च **मनुः**, (अ. ९ । १७३)

" या गर्भिणी संस्क्रियते ज्ञाताऽज्ञाताऽपि वा सती । वोढुः स गर्भो भवति सहोढ इति चोच्यते ॥ " इति ।

पुरुषसम्बन्धमात्रान्न कन्यात्वहानिः किं तु मन्त्रवत्संस्कारपूर्वकक्षतयोनित्वे एव, तदभाव एव हि कन्याशब्दप्रवृत्तिनिमित्तमिति स्पष्टं ' कन्यायाः कनीनचेति ' **सूत्रे** (४।१।११६) **महाभाष्ये ।** एवं च तस्या अपि विवाहसम्भव इति न दोषः । अत एव प्रागुक्तद्विविधकानीनसङ्गतिरिति बोध्यम् ॥ १३१ ॥

याज्ञवल्कीये १३२ श्लोकः ।

प्रक्रान्तत्वादाह । **मातेति ।** परित्यक्त इत्यर्थः । दोषाभावेऽपि भरणासामर्थ्येन मूलजातत्वादिना वेत्यादिः । **य इति ।** ज्ञातपित्रादिरित्यर्थः । **गृह्यते,** पुत्रत्वेनेत्यादिः ।

तथा च **मनुः**, (अ. ९ । १७१) ।

" मातापितृभ्यामुत्सृष्टं तयोरन्यतरेण वा । यं पुत्रं प्रतिगृह्णीयादपविद्धस्तु स स्मृतः ॥ " इति ।

कृत्रिमादिषु विशेषमाह । **सर्वत्रेति ।** कृत्रिमस्वयंदत्तसहोढजापविद्धेष्वित्यर्थः ।

एतेषां क्रमोऽपि विवक्षितो न स्वरूपमात्रमित्याशयेन सङ्गतिमाह । **एवमिति ।** यद्यपि पिण्डद इत्यप्यस्ति तथापि प्रकरणादाह । **दायेति ।** रिक्थेत्यर्थः । तत्कथनं त्वानुषङ्गिकमिति भावः । एषामित्यस्य व्याख्या **पूर्वोक्ता[illegible]** । संख्याया अनुक्तत्वेऽपि विभागेनैव लाभा-

दाह । [illegible] । निर्धारणे षष्ठी। पूर्वाभावे इति वीप्सागर्भे ' सप्तपर्ण ' इतिवदग्रिमानुरोधेनेत्याह । पूर्वस्येति । परशब्दो नोत्कृष्टार्थ इत्याह । **उत्तर इति** । मौलक्रमेणाह । **पिण्डद इति** । तत्त्वमात्रमविवक्षितमित्याह । **श्राद्धद इति** । एकसंग्रहायाह । **धनेति** । चोऽन्वाचये न तु समुच्चये इति सूचनाय व्याख्याने तत्त्यागः ।

यद्यप्यत्र प्रकरणादंशहर इत्येवोचितमिति पिण्डद इत्यसंबद्धम्, अथ श्राद्धप्रकरणेऽनुक्तत्वात्प्रकरणान्तरे सङ्गत्यभावादत्रैव पुत्रप्रसङ्गेन तदप्युक्तं लाघवादिति चेत्, एवमपि अन्ते वाच्यमागन्तूनामिति न्यायात् नादाविति तथोक्ता सङ्गतिरेव, तथापि पुत्राणां पिण्डदत्वमावश्यकमदाने प्रत्यवायश्रवणात् धनहरत्वं तु आनुषङ्गिकमन्वाचयशिष्टं न तु मुख्यमिति, नापि तेषामंशहरत्वप्रयुक्तं पिण्डदत्वमिति अंशहरत्वप्रयुक्तपिण्डदत्वस्यान्यत्र क्वचित्समानियतस्य शास्त्रीयत्वेऽपि पिण्डदत्वप्रयुक्तांशहरत्वस्य तथा न शास्त्रीयत्वमिति अनयोर्मिथो न व्याप्यव्यापकभावो नापि सार्वत्रिकं समनैयत्यम् इति च सूचनार्थं भगवता **योगीश्वरेण** ' पिण्डदोंऽशहरश्चे ' त्युक्तम् । अनेनैवाशयेनावतरणे प्रकरणसङ्गत्ये तथोक्तमप्यत्र व्याख्याने मौलक्रमेणैव व्याख्यातं व्याख्यात्रेति बोध्यम् । एवं सति **मन्वादिभिः** प्राप्तविरोधपरिहारद्वारा मूलं समर्थयन् तेषां व्यवस्थां दर्शयति । **औरसेत्यादिना अंश**[illegible] ।

औरसेति । अस्य एवं सतीत्यादिः । औरसपौत्रिकेययोर्मिथः समवाये इत्यर्थः । आद्या[illegible] । इदं च पुत्रिकाकरणानन्तरमौरसोत्पत्तावेव सम्भवतीति बोध्यम् । तदेवाह । **पुत्रिकायामिति** । पुत्रिकैव पुत्र इति द्वितीयार्थाशयेनाह । **ज्येष्ठतेति** । हि यतः स्त्रियाः पुत्रिकायाः ज्येष्ठता नास्ति ज्येष्ठस्येत्याद्युक्तोद्धारादिकं नास्ति अतस्तथा यदि भवेत्तदा तत्र सम एव विभाग इत्यर्थः । अत्र सम एवेत्युक्त्या औरसस्यैव सर्वधनग्रहणाभावेन मूलोक्तापवादत्वं **मनो**रिति भावः ।

अपवादान्तरमाह । **तथेति** । यथौरसे सति पुत्रिकाया अंशभाक्त्वं तथाऽन्येषामपि क्षेत्रजादीनामित्यर्थः । अन्येषामित्यस्योत्तरेषामित्यत्रान्वयः । अन्यत्वं च पुत्रिकातः । उत्तरेषामिति स्पष्टार्थम् । अपिः पुत्रिकासमुच्चये । पूर्वस्मिन्सत्यपीति पाठः । औरसे सत्यपीति तदर्थः । अय**मपि**विरोधे । पूर्वस्मिन्पूर्वस्मिन्सत्यपीत्यपपाठः । वक्ष्यमाणात् तदलाभात् । **तस्मिन्,** दत्तकत्वेनाभिमते । सत्सप्तमी । **चेत्,** यदि । **उत्पद्येत,** तदेति शेषः ।

नन्विदं दत्तकमात्रविषयमिति कथमन्येषामित्याद्युक्तिरत आह । **दत्तकेति** । आदिना स्वयंदत्तपरिग्रहः । ननु तदविशेषेऽपि तत्र यथाश्रुत एवार्थोऽस्तु अतः क्षेत्रजाद्यंशेऽपि मानं सूचयन्नाह । **तथा चेति** । अत्र सुता इति सामान्यबहुवचनान्तेनोक्तेस्तथा लाभ इति भावः । सवर्णा इति पूर्वान्वयीत्याह । **सवर्णा इति** । **आदिना** क्रीतकृत्रिमस्वयंदत्तापविद्धाः । **सत्यौरसे इति** । तस्मिन्नुत्पन्ने सतीत्यर्थः । एवमग्रेऽपि । क्षेत्रजादीनां सवर्णाद्युत्पन्नत्वं स्वतः सवर्णत्वं चास्ति, कानीनादीनां तु तत उत्पन्नत्वेऽपि स्वतस्तत्त्वाभावस्य वक्ष्यमाणत्वादाह । **असवर्णा इति** । अप्रशस्ता इत्यर्थः । सहोढसहोढजौ पर्यायौ, तथा **मनुमूलो**क्तेरिति । उक्ते तु सूचितमाह । **न चतुर्थांशेति** । अनेनेदं सूचितं, यत्र शाब्द आर्थो वा अंशनिषेधस्तत्रैव ग्रासादि नान्यत्रेति । स्फुटीभविष्यति चेदमग्रे । **किं त्विति** । तयोः पात्रभूता इत्यर्थः । भागिन इत्युभयत्र पाठान्तरम्

अत एव **मनुः**, (अ. ९।२०२)

" सर्वेषामपि तु न्याय्यं दातुं शक्त्या मनीषिणा । ग्रासाच्छादनमत्यन्तं पतितो ह्यददद्भवेत् ॥ " इति।

न्याय्यं, यस्य यावदुपयुक्तं धनानुरूपं च । **अत्यन्तं,** यावज्जीवम् ।

नन्वेतावता औरसे सति क्षेत्रजादीनां तुर्यांशभागित्वं कानीनादीनां ग्रासादिभागित्वमिति लब्धं, तथा सति क्षेत्रजाद्यंशे कानीनाद्यंशे च मूलापवादत्वं सिद्धं यद्यपि, तथापि **कातीयस्य विष्णु-**विरोधः । कानीनाद्यंशे तेन तेषां सामान्येनांशभागित्वाभावस्योक्तत्वात्कातीयेन विशेषस्योक्तत्वा-दित्याशङ्कां हृदि निधाय विरोधं परिहरति। **यदपीति । परमेवेति । कातीयै**कवाक्यतयैवेति भावः । अत एव मूलस्यापि न **विष्णुना** विरोध इत्याह। **औरसाद्यभावे इति** । आदिना आद्यकोटिग्रहणम् ।

नन्वेवमपि **वासिष्ठादेर्मनु**विरोधः, तेन दत्तकादीनामपि तद्भागित्वस्योक्तत्वात् । अतस्तं परिहरति । **यदपीति । एक एव,** मुख्य एव । हेतुगर्भविशेषणमिदम् । **वसुनः,** धनस्य । अत एवाह । **शेषाणामिति** । दत्तकादीनामित्यर्थः । शेषे षष्ठी । एवमग्रेऽपि । न नृशंसो घातुको ऽनृशंसस्तद्भावः आनृशंस्यमघातुकत्वं पापाजनकत्वम्, अददत्पापमाप्नोति, तदर्थमित्यर्थः । पुत्रिका-यास्तेनैव विशेषस्योक्तत्वात्क्षेत्रजस्य वक्ष्यमाणत्वाच्चाह । **दत्तकेति** । तथा च कानीनादिवत्तेषामपि तत्त्वे सति ग्रासादिभागित्वमेव न तुर्यांशभागित्वमिति **वासिष्ठा**देरपवादो **मनु**स्तत्रेति भावः ।

वक्ष्यमाणमेवाह । **तत्रेति** । शेषाणां मध्ये इत्यर्थः । **विशेष इति । कातीयतो** विशेषः, **शेषाणामिति मनु**तो विशेषो, निर्गुणत्वप्रतिकूलत्वयोरवान्तरविशेषश्चेत्यर्थः । एवं च क्षेत्रजस्यौरसप्रति-कूलत्वे निर्गुणत्वे चाविशेषः पूर्ववन्नास्तीति भावः । **तेनैव, मनुनैव** । **दायं,** धनम् । पञ्चम-मित्यादि पक्षान्तरम् । दत्तकादिवदुक्तपूर्ववाक्येन जीवनमात्रे प्राप्ते भागविकल्पोऽयम् । स चान्यथाऽनु-पपन्न इत्यवश्यं कल्प्यमाह । **प्रतिकूलत्वेति** । इदमपीत्यादिः । **समुच्चये,** तयोः सद्भावे । एवं चैकवाक्यीयविकल्पोपपत्तये आवश्यकयुक्त्यैव पूर्व**मनु**वाक्यस्याप्युपपत्तिरिति न तस्य तद्विरोध इति भावः । एवं च क्षेत्रजस्योभयसत्त्वे षष्ठांश एकसरतत्वे पञ्चमांशास्तस्याप्यभावे **कातीय**चतुर्थां-शभागित्वम् । कानीनादीनां तु तत्र सति ग्रासादिभागित्वमेव न चतुर्थांशभागित्वम् । पुत्रिकायास्तु तत्र सति समभागः ।

यत्तु **गौतमीयं,**(अ.२८ सू.३०-३२)"पुत्रा औरसक्षेत्रजदत्तकृत्रिमगूढोत्पन्नापविद्धा रिक्थभाजः। कानीनसहोढपौनर्भवपुत्रिकापुत्रस्वयंदत्तक्रीता गोत्रभाजश्चतुर्थांशभागिन" इति, तत्र गुणवद्गुणव-दित्युक्तरीत्याऽऽद्यवर्गोक्ताः क्रमेण तद्धराः, द्वितीयवर्गमध्ये आद्यत्रयाणां तुर्यांशभागित्वोक्तिरौरसाभावे पुत्रिकादिसत्त्वे च ज्ञेया । अन्यथोक्तस्मृतिविरोधो दुष्परिहर एव । पुत्रिकापुत्रस्य विषयो व्याख्यात्रैव वक्ष्यते । स्वयंदत्तक्रीतयोस्तत्वं तु औरसे सति उक्तरीत्या **वासिष्ठा**द्येकवाक्यतयैव । एवं गूढोत्पन्नस्य रिक्थभाक्त्वोक्तिरपि औरसाद्यभावे ज्ञेयेति न कश्चिद्विरोधः। एवं **मानवे मेधातिथि**संमतरिक्तांशोऽपि औरसे सति कानीनादिवद्दत्तकादावपि दोषद्वयसत्त्वे तदन्यतरसत्त्वे च ज्ञेयः । रिक्थांशेति पाठे तु न कश्चिद्दोष एवेति तत्त्वम् इति एतद्भिन्नविषयकं मूलवाक्यमिति सिद्धमिति बोध्यम् ।

मूलस्य वासिष्ठादेश्च मनुवचनान्तरविरोधं परिहरति । **यदपीति । पुत्राणामिति ।**
(**मनु**. अ. ९ । १५८)

"पुत्रान् द्वादश यानाह नृणां स्वायम्भुवो मनुः । तेषां षड् बन्धुदायादाः षडदायादबान्धवाः ॥ "

इत्युपक्रम्येत्यादिः । श्लोकद्वयेनेति भावः । **दायादेति** । दायहरत्वं गोत्रहरत्वं चेत्यर्थः । तदेवाह । **औरस इति** । **शौद्रश्चेति** (**मनु**. अ. ९।१७८)

" यं ब्राह्मणस्तु शूद्रायां कामादुत्पादयेत्सुतम् । स पारयन्नेव शवस्तस्मात्पारशवः स्मृतः ॥"

इति अग्रे तेनैवौरसादिपुत्रान् प्रतिपाद्य अन्ते लक्षितोऽयम् । पारयन् पिण्डदानादिना प्रीणयन्नपि शवस्तत्तुल्यः अनुपकारकः असंपूर्णोपकारकत्वात् । कामादिति त्वनुवादः कामतस्तु प्रवृत्तानामित्यस्य । मूर्धावसिक्तादीनां तु सम्पूर्णोपकारकत्वेनौरसत्वमित्यत एव शौद्रमात्रस्य द्वादशमध्ये **मनुना** पृथग्गणनं कृतम् । तस्य फलमनुपदमेव स्फुटीभविष्यति । पुत्रिका तु एतत्प्रकरणात्पूर्वं पृथगेवोक्ता **मनुनेति** स त्रयादेशः पुत्रः । अत एव ।

" पुत्रान् द्वादश यानाह नृणां स्वायम्भुवो **मनुः**—"

इत्यत्र तस्य न ग्रहणम् । अत एवौरसः क्षेत्रजश्चैवेत्यादिना तानुक्त्वा " यद्येकरिक्थिनौ " " एक एवौरसः " " षष्ठं तु क्षेत्रजस्य " इत्युक्त्वा—(**मनु**. अ. ९।१६५)

" औरसक्षेत्रजौ पुत्रौ पितृरिक्थस्य भागिनौ । दशापरे तु क्रमशो गोत्ररिक्तांशभागिनः ॥ "

इत्युक्त्वा "स्वक्षेत्रे संस्कृतायामित्यादिना" " पारशवः स्मृत " इत्यन्तेन द्वादशस्वरूपमुक्तम् तदग्रे—(**मनु**. अ. ९।१८०)

" क्षेत्रजादीन् सुतानेतानेकादश यथोदितान् । पुत्रप्रतिनिधीनाहुः क्रियालोपान्मनीषिणः ॥"

इत्यत्रैते एव शौद्रान्ता **मन्व**भिमता इति स्पष्टमेव । औरसक्षेत्रजाविति षष्ठं त्विति पूर्वस्यानुवादो न विध्यन्तरम् । क्षेत्रजस्यौरससाम्याभावात् । गोत्रभागिनो रिक्तांशभागिनश्च । रिक्तांशः प्रजीवनमात्रम् । मुख्याभावे हि प्रतिनिधिः । अत औरसे सति एते न कार्याः । क्रियालोपाद्धेतोः क्रियायाः अपत्यमुत्पादयितव्यमित्यस्य विधेर्लोपो मा भूदिति । नित्यो ह्ययं विधिः स यथाकथंचित् गृहस्थेन सम्पाद्यः । तत्र मुख्यकल्प औरसः तदसम्पत्तावेते ऽनुकल्पा इति **मेधातिथिः** । अदायादेति द्वंद्वोत्तरं नञ्समास इति **शङ्काशयः** । तदपीत्यस्य व्याख्येयमित्यत्रान्वयः । **स्वेति** । पूर्वोक्तपुत्रेत्यर्थः । सपिण्डाश्च समानोदकाश्चेति द्वन्द्वः । **तदिति** । स्वपितुः सपिण्डसमानोदकान्यतरेत्यर्थः । **तत्**, तद्रिक्थहरत्वम् । एवं दायादादिशब्दस्यार्थमुक्त्वा बान्धवशब्दस्य तमाह । **बान्धवत्वमिति** । **पुनस्त्वर्थे** । अस्यातिप्रसक्तत्वादाह । **सपिण्डत्वेन चेति** । बान्धवत्वस्वरूपमाह । **उदकेति** । एवं च अदायादबान्धवा इत्यत्र नञ्समासं कृत्वा द्वन्द्वः कार्यो न तु प्रागुक्त इति भावः । एतेन प्रागुक्त**मेधातिथि**व्याख्यानमपास्तम् ।

एवं वचनद्वयव्याख्यानहेतुं तदुक्तिरूपमेवाह । **गोत्रेति** । **दत्रिमः** दत्तकः **सुतः** पुत्रः **जनयितु**र्निषेक्तुर्जनकस्य **गोत्ररिक्थे** गोत्रधनेन **न भजेत्** न प्राप्नुयात् । जनयितुरिति पञ्चमीति **मेधातिथिः** । तथा च तन्मरणनिमित्ताशौचादिकमपि न प्राप्नोति विवाहं विना । तत्र तद्गोत्रस्यापि परिहार्यत्वात् । अनेनान्यगोत्रस्यापि पुत्रीकरणमनुज्ञातं भवति । अपि तु यस्मै दत्तस्तस्य गोत्रं धनमाशौचादिकं च दत्तकः प्राप्नोति । तथा यतो गोत्ररिक्थानुगः "सगोत्रेण" इति "यो रिक्थहर " इति च स्मृतेः पिण्डः तद्दानं श्राद्धमिति यावत् गोत्ररिक्थेऽनुगच्छति सः, यदीयगोत्ररिक्थे गृह्येते तस्मै एव पिण्डोदकदानाद्यौर्ध्वदेहिकक्रिया, अतो ददतस्तद्दातुर्जनकस्य दत्तपुत्रकर्तृकस्वधा श्राद्धं

१ ख-क-गोत्ररिक्थे गृह्यते ।

व्यपैति । अर्थात्ततो निवर्तते । दत्तकस्य जनकश्राद्धे नाधिकारः । तस्य तत् तेन न कर्तव्यमिति यावत् । ददत इति पञ्चमी व्यपैतीत्यत्रान्वय इति वा । वस्तुतः पिण्डशब्दः सापिण्ड्यपरः । श्राद्धपरत्वे ददतः स्वधेत्यनेन पौनरुक्त्यापत्तेः । अत एव शिष्टाः प्रतिग्रहीतृगोत्रेणैव तस्य सर्वक्रियानुष्ठानं कुर्वन्ति । प्रतिग्रहीतृसपिण्डा एव च तन्मरणादौ दशाहाशौचमनुतिष्ठन्ति । प्रतिग्रहीतृकुले एव तत्सापिण्डीकरणाद्याचरान्ति । अत एवास्मादेव वचनाद्दत्तकस्य जनकसापिण्ड्यनिवृत्तिरित्यभियुक्तैर्व्याख्यातमिति बोध्यम् । एतच्च दातुः पुत्रान्तरादिसद्भावे । तदभावे तु तस्याप्यसावेव रिक्थश्राद्धाद्यधिकारी । (**याज्ञ.** २ । १२७)

" अपुत्रेण परक्षेत्रे नियोगोत्पादितः सुतः । उभयोरप्यसौ रिक्थी पिण्डदाता च धर्मतः ॥ "

इति न्यायसाम्यात्,

" दत्तः पुत्रः पितुः कुर्याज्जनकस्य मृतेऽहनि । गयायां च ततोऽन्यत्र न पुत्रान्तरसंनिधौ ॥ "

इति **शातात**पस्मरणाच्च । इदमपि दानानन्तरं जनकस्यापुत्रत्वे । दानकाले त्वेकस्य दाननिषेधात् । एवमेव द्व्यामुष्यायणदत्तकस्यापि उभयोपकारकत्वं बोध्यम् । अत एव दत्रिमः क्वचिदिति पाठेन सहैकवाक्यताऽपि । अस्य सापिण्ड्यं परिवेदनदोषाभावश्चान्यत्र स्पष्टः । एष एव न्यायः प्राग्वत् पुत्रीकरणाविशेषात् कृत्रिमादीनामपि बोध्यः । तदाह । **इत्यत्र दत्रिमेति ।** औरसपुत्रप्रतिनिधिदत्तककृत्रिमादेरप्युपलक्षणार्थत्वादित्यर्थः । तथा च दत्तकादीनां ततः पित्रादिरिक्थहरत्वप्रतीतेः पूर्वपक्षोक्तरीत्या च तदभावप्रतीतेर्मिथोविरोधादप्रामाण्यपत्तिरिति वचनानर्थक्याभियोक्तैव व्यवस्था ज्यायसी । अत एवोक्तद्वादशपुत्रानुक्त्वा **देवले**नोक्तम्,

" एते द्वादश पुत्रास्तु संतत्यर्थमुदाहृताः । आत्मजाः परजाश्चैव लब्धा यादृच्छिकास्तथा ॥ "
" एषां षट् बन्धुदायादाः पूर्वेऽन्ये पितुरेव षट् । विशेषश्चापि पुत्राणामानुपूर्व्याद्विशिष्यते ॥ "
" सर्वे ह्यनौरसस्यैते पुत्रा दायहराः स्मृताः । औरसे पुनरुत्पन्ने तेषु ज्यैष्ठ्यं न तिष्ठति ॥ "
" तेषां सवर्णा ये पुत्रास्ते तृतीयांशभागिनः । हीनास्तमुपजीवेयुर्ग्रासाच्छादनसम्भृताः ॥ "

इतीति भावः ।

ननु तदविशेषेऽपि दत्रिमग्रहणं नोपलक्षणमिति पूर्वोक्त**मनु**वाक्यद्वयं पितृधनाविषयकमेवास्तां, तावताऽपि **मनो**र्मिथो विरोधाभावात् । **मूल**कृता पितृधनस्थले उक्तत्वेऽपि **मनु**नाऽन्यत्र तत्रानुक्तत्वात् । एवं च पूर्वपक्षोक्तमेव दृढं सम्पन्नम् । अतो **मनु**वचनादेव तथा प्रतिपादयितुमाह । **पितृधनेति । सर्वेषाम्,** अग्रिमाणाम् । तदुक्तमेवात्र हेतुमाह । **न भ्रातर इति ।**

" श्रेयसः श्रेयसो ऽलाभे पापीयान् रिक्थमर्हति । बहुवश्चेत्तु सदृशाः सर्वे रिक्थस्य भागिनः ॥"

(**मनु.** ९।१८४) इति अस्य पूर्वश्लोकः । **इति,** इत्यस्य । पुत्रा इति सामान्यबहुवचनाभ्यामाह । **सर्वेषामिति ।**

नन्वौरसबहुत्वापेक्षमेव बहुत्वा मिति औरसा एव पुत्रा न ते प्रतिनिधिभूताः । किं च न भ्रातर इत्यत्रत्यस्य पुत्रा इत्यस्य पित्रादिसाहचर्यान्मुख्यौरसपुत्रपरत्वमेवेति तद्विषयकमेव पुत्रपदोक्त्या पितृधनविषयकं तदस्तु । अत आह । **औरसस्येति ।** वचनद्वयस्याप्येकार्थत्वे पौनरुक्त्यापत्तिरिति

भावः । ननु ' द्विर्बद्धमिति ' न्यायेन दाढर्च्याय पुनस्तदनुवादकमेव तदास्तामत आह । **दायादेति ।** तथा च दायादशब्दस्वरूपपर्यालोचनयाऽपि पितृधनपरत्वं तस्य नास्तीति भावः ।

किं च साहचर्यस्यासार्वत्रिकत्वेन पुत्रत्ववत्पितृत्वादेरपि गौणमुख्यसाधारणत्वेन च साहचर्यस्य दुर्वचत्वात्, अपि च श्रेयस इत्यग्रे पाठेन गौणपुत्रविषयत्वात्, श्रेयस इत्यनेनापि तत्प्रतिपादनाच्च, " ब्राह्मणस्यानुपूर्व्येणेत्यादिना पुत्रशतं भवेदित्यन्तेन " ततः प्राक्तनवचनकदम्बेन पितृधनाविषयेंऽश-विभागकथनपूर्वं तद्भागित्वस्यौरसस्य प्रतिपादितत्वाच्च । तस्मादौरस इत्यादि तत्परमेवेति व्यवस्थापनं **मनु**सम्मतं युक्तमेवेति न **मूला**दिवचनानां प्रागुक्तानां मिथो विरोध इति दिक् ।

नन्वेवमपि मूलोक्तः ससंख्यः क्रमोऽयुक्त एव । **स्मृत्यन्तरे**ष्वन्यथाक्रमस्य ससंख्यस्य प्रतिपादित-त्वेन तद्विरोधात् । एवमुक्तवर्गद्वयप्रतिपादक**मनु**रपि **स्मृत्यन्तर**विरुद्धः । तथा हि । तत्र ताव-**दापस्पम्बधर्म**सूत्रविवृतौ **स्मृत्यन्तर**संग्रहः ।

" औरसः पुत्रिकाबीजक्षेत्रजौ पुत्रिकासुतः । पौनर्भवश्च कानीनः सहोढो गूढसम्भवः ॥
"दत्तः क्रीतः स्वयंदत्तः कृत्रिमश्चापविद्धकः । यत्र क चोत्पादितश्च स्वपुत्रा दश पञ्च च ॥ " इति ।

अत्र संख्याव्यत्ययः क्रमव्यत्ययश्च । तत्राद्यः सुपरिहरो यद्यपि, पुत्रिकापुत्रिकासुतौ द्वाव-प्येका कोटिः तथा बीजक्षेत्रजो यत्रक्कचनोत्पादितोऽप्येषामेवान्यतम इति त्रयाणामन्तर्भावे द्वादशत्व-स्यैव सम्पत्तेः, तथापि क्रमव्यत्ययस्तदवस्थ एव । **मानवे** तु, (अ. ९ । १६५)

" औरसक्षेत्रजौ पुत्रौ पितृरिक्थस्य भागिनौ । दशापरे तु क्रमशो गोत्ररिक्थांशभागिनः ॥ "

इत्यत्र पुत्रिकामप्यौरससमत्वेनौरसे एवान्तर्भावयित्वा, तस्याः पूर्वं स्वातन्त्र्येणोक्तत्वात्तद्भिन्ना एवात्र विवक्षिता वेत्याशयेन एतावुक्त्वा इतरे दशेत्युक्त्वा तथैव क्रमेणोक्तानि तल्लक्षणानि । तथा हि ।

(अ. ९ श्लो. १६६–१७८)

" स्वक्षेत्रे संस्कृतायां तु स्वयमुत्पादितश्च यः । तमौरसं विजानीयात्पुत्रं प्राथमकल्पिकम् ॥
" यस्तल्पजः प्रमीतस्य क्लीबस्य व्याधितस्य वा । स्वधर्मेण नियुक्तायां स पुत्रः क्षेत्रजः स्मृतः ॥
" माता पिता वा दद्यातां यमद्भिः पुत्रमापदि । सदृशं प्रीतिसंयुक्तं स ज्ञेयो दत्रिमः सुतः ॥
" सदृशं तु प्रकुर्याद्यं गुणदोषविचक्षणम् । पुत्रं पुत्रगुणैर्युक्तं स विज्ञेयश्च कृत्रिमः ॥
" उत्पद्यते गृहे यस्य न च ज्ञायेत कस्य सः । स गृहे गूढ उत्पन्नः तस्य स्याद्यस्य तल्पजः ॥
" मातापितृभ्यामुत्सृष्टं तयोरन्यतरेण वा । यं पुत्रं परिगृह्णीयादपविद्धः स उच्यते ॥
" पितृवेश्मनि कन्या तु यं पुत्रं जनयेद्रहः । तं कानीनं वदेन्नाम्ना वोढुः कन्यासमुद्भवम् ॥
" या गर्भिणी संस्क्रियते ज्ञाताऽज्ञातापि वा सती । वोढुः स गर्भो भवति सहोढ इति चोच्यते ॥
" क्रीणीयाद्यस्त्वपत्यार्थं मातापित्रोर्यमन्तिकात् । स क्रीतकः सुतस्तस्य सदृशो ऽसदृशोऽथवा ॥
" या तु पत्या परित्यक्ता विधवा वा यथेच्छया । उत्पादयेत्पुनर्भूत्वा स पौनर्भव उच्यते ॥
" मातापितृविहीनो यस्त्यक्तो वा स्यादकारणात् । आत्मानं स्पर्शयेद्यस्मै स्वयंदत्तस्तु स स्मृतः ॥
" यं ब्राह्मणस्तु शूद्रायां कामादुत्पादयेत्सुतम् । स पारयन्नेव शवस्तस्मात्पारशवः स्मृतः ॥" इति ।

तल्पं दाराः । यथा गुरुतल्पग इति । " तल्पं शय्याट्टदारेष्वि " **त्यमरः** (३।३।१३०) । **व्याधितस्य,** अप्रतीकारराजयक्ष्मादिरोगाक्रान्तस्य । **स्वधर्मेण** प्रागुक्तेन । **सदृशं,** सवर्णम् । **गुण-**

दोषविचक्षणं, प्रौढम् । अत एव पुत्रगुणैर्युक्तम् । **न च ज्ञायेतेति** । हीनाधिकपुरुषजत्वमन्तरेण सवर्णजत्वनिश्चये अस्य पुरुषस्यायमित्येवं न ज्ञायेत चेत्यर्थः । मातुर्बहुगामिनीत्वे इदम् । **यस्येति** । यस्य तल्पजः स्यात्तस्य स इत्यर्थः । **मातापितृभ्यामिति** । बहुपुत्रतया भरणासामर्थ्येन केन चिद्दोषेण वेत्यर्थः । **पुत्रं**, तद्बुद्ध्या परिग्रहो न तज्जीवितेच्छया । **येति** । या ज्ञाताऽज्ञाताऽपि वा गर्भिणी सती संस्क्रियते इत्यर्थः । **सहोढ इति** । तया सहोढ इत्यर्थः । **पुनर्भूत्वा**, पुनर्गृहिणी भूत्वा । **अकारणात्**, पातित्यादिकारणाभावात् । अकारणे इति पाठान्तरम् । **स्पर्शयेत्**, दद्यात् । " विश्राणनं वितरणं स्पर्शनं प्रतिपादनम् " **इत्यमरः** (३।७।२९)। **स पारयन्निति** । स पुत्रः पितॄन् श्राद्धादिभिः पारयन् प्रीणयन्नपि अन्यपुत्रवदप्रशस्तत्वाच्छवतुल्य इति पारशव इत्यर्थः । यद्यप्यस्य शूद्रापुत्रस्य विवाहिताजन्यत्वेनानुलोमजत्वेन च मूर्द्धावसिक्तादिवदौरसत्वमविशिष्टं तथाप्युक्तरीत्या अप्रशस्तत्वेन ततो भेदेन तत्रागणनम् एतेषु सत्सु तस्य सकलधनहरत्वाभावादत्र प्रकरणेऽन्ते परिगणनम् इति बोध्यम् ।

वासिष्ठे तु औरसानन्तरं ' तदलाभे नियुक्तायां क्षेत्रजो द्वितीयः, तृतीयः पुत्रिका विज्ञायते, पौनर्भवश्चतुर्थः, कानीनः पञ्चमो, दत्तकः षष्ठः, क्रीतः सप्तमः, स्वयमुपगतोऽष्टमो, अपविद्धो नवमो, गूढोत्पन्नो दशमः, कृत एकादशः, शूद्रापुत्र एव द्वादशो भवती 'त्युक्तम् । (अध्याय १७)।

वैष्णवे तु " औरसक्षेत्रजपुत्रिकापुत्रपौनर्भवकानीनगूढोत्पन्नसहोढदत्तक्रीतस्वयमुपगतापविद्धयत्रक्वचनोत्पादिता द्वादशे " त्युक्तम् ।

देवलीये तु " औरसपुत्रिकापुत्रक्षेत्रजकानीनगूढोत्पन्नापविद्धसहोढपौनर्भवदत्तकस्वयमुपगतकृतिमक्रीता द्वादशे " त्युक्तम् ।

नारदीये तु—(अ. १३ । श्लो. ४५।४६)

"औरसः क्षेत्रजैश्चव पुत्रिकापुत्र एव च । कानीनश्च सहोढश्च गूढोत्पन्नस्तथैव च ॥ "

" पौनर्भवोऽपविद्धश्च दत्तः क्रीतः कृतस्तथा । स्वयं चोपगतः पुत्रा द्वादशैते प्रकीर्तिताः ॥"

इत्युक्तम् । तस्मात्क्रमव्यत्ययकृतविरोधो दुष्परिहरोऽत आह—

वासिष्ठादिष्विति । **अगुणवदिति** । ' असुब्वत ' इति भाष्यप्रयोगवदयं साधुः । अयं भावः । **मनु**ना औरस इत्यादिना वर्गद्वयेनाद्यस्य तत्त्वं द्वितीयस्य तदभावं च प्रतिपाद्य तत्प्रसङ्गादेवाग्रे स्वल्पव्यवधानेनौरसादिपुत्रस्वरूपप्रतिपादनेनोपक्रमानुसारेण तथोक्तिर्न तु तत्त्वत एष क्रम इति ज्ञायते । अत एव तत्र क्रमश इत्युक्तिरपि तत्परैवेति न सर्वथा तात्त्विकैतत्क्रमबोधिकाऽपि तु कस्मिंश्चिद्विशेषे असत्येवासौ, विशेषे तु गुणवदगुणवद्रूप एवेति । एवं स्मृत्यन्तरपाठस्यापि गतिः । युक्तियुक्तश्च मूलोक्तक्रमः । तथा हि । औरसपुत्रिकयोरौरसत्वात्तत्समत्वाच्च प्रागुक्तिः । क्षेत्रजगूढजद्वितीयकानीनपौनर्भवानां स्वबीजक्षेत्रोत्पन्नत्वादेव दत्ताद्यपेक्षया प्राबल्यम् । आद्यकानीनस्यापि स्वीयकन्योत्पात्तिकत्वादेव ततः प्राबल्यम् । अवान्तरमपि तारतम्यं स्पष्टमेव सर्वेषाम् । एवमग्रेऽपि सहोढजस्य स्वबीजाश्रयत्वेन परिगृहीतक्षेत्रोत्पन्नत्वेऽप्युत्तरषट्कयोगो गर्भोत्पत्तिकाले स्वक्षेत्रत्वाभावकृत एवेति सर्वमनवद्यमिति ।

इदमपि सर्वं युगान्तरविषयकम् । कलौ त्वौरसदत्तकावेव औरससमत्वात्पुत्रिका च ।

' दत्तौरसेतरेषां तु पुत्रत्वेन परिग्रहः । ' इति **माधवादि**स्मरणात् ।

"एतानि लोकगुप्त्यर्थं कलेरादौ महात्मभिः।"

निवर्तितानि कर्माणीति चरमेणास्यान्वयः। शिष्टाचारोऽपि तथैव दृश्यते।

केचित्तु औरसेन पुत्रिकासंग्रहवत् दत्तपदेन तत्समकक्षक्रीतस्वयंदत्तकृत्रिमाणामपि ग्रहणम्। अत एव श्रेयसः श्रेयस इति **मनूक्तिः**,

"स्वगोत्रेण कृता ये स्युर्दत्तक्रीतादयः सुताः। विधिना गोत्रतां यान्ति न सापिण्ड्यं विधीयते।" इति **वृद्धगौतमोक्तिः।**

"दत्तक्रीतादिपुत्राणां बीजवप्तुः सपिण्डता। सप्तमीं पञ्चमीं चैव गोत्रं तत्पालकस्य च॥" इति **बृहन्मनुः।**

"औरसः क्षेत्रजश्चैव दत्तः कृत्रिमकः सुतः" इति **कलिधर्मप्रस्तावे पराशरश्च** सङ्गच्छते। "औरसादीनां सर्वेषां पुत्राणां प्रकृतत्वादौरसादीनुपक्रम्य तेषां पूर्वः पूर्वः श्रेयान्स एव दायहरः सः चान्यान्बिभृयादिति" **वैष्णवम्।** औरसादीनां पुत्राणां पूर्वपूर्वाभावे परः परो रिक्थमर्हति पूर्वसद्भावे परसंवर्द्धनं स एव कुर्यादिति, तदप्यपवादेतरविषयम्। यदि तु समानरूपा बहवः पुत्रास्तदा सर्वे एव विभज्य धनं गृह्णीयुरिति **मनु**व्याख्यातारः। यद्यपि मन्वादिकं युगान्तरपरतयाऽपि सुयोजं तथापि अन्त्यमन्यथा दुर्योजमेवेत्याहुः। वस्तुतो नियोगनिषेधेनैव क्षेत्रजनिषेधे तत्र क्षेत्रज इत्यौरसविशेषणमावश्यकं यथा तथा कृत्रिमक इत्यपि दत्तस्यैव विशेषणमिति बोध्यम्।

नन्वेवमपि मूलस्य **गौतम**विरोध एव। तेन हि औरससमस्य पौत्रिकेयस्य दशमत्वेन परिगणनं **कृतम्।** तथा हि पुत्रा औरसक्षेत्रजदत्तकृत्रिमगूढोत्पन्नापविद्धा रिक्थभाजः कानीनसहोढपौनर्भवपुत्रिकास्वयंदत्तक्रीता गोत्रभाजः चतुर्थांशभागिन **इति**। कानीनादीनां तुर्यांशभागित्वमत्रोक्तं चौरसाभावे पुत्रिकादिसत्त्वे च ज्ञेयम्। एवं क्षेत्रजादीनामपि तत् क्रमतो ज्ञेयम्। अन्यथा पूर्वविरोधो दुष्परिहर एव। स्वयंदत्तक्रीतयोस्तत्त्वं वासिष्ठाद्येकवाक्यतया प्रागुक्तरीत्या। गूढोत्पन्नस्य तत्त्वमौरसाद्यभावविषयकमिति बोध्यमित्यत आह। **गौतमीये त्विति। विजातीयेति**। ब्राह्मणादेः शूद्रान्यक्षत्रियादिस्त्रियामुत्पन्नपुत्रिकापुत्रविषय इत्यर्थः।

तत्र परिगणनमात्रोक्त्या क्रमानुक्त्या तन्मात्रपरमेव तत्सर्वं न तु क्रमपरम्। अतः क्रमो मूलोक्त एव। पूर्वाभावे परः पर इत्युक्तेरिति केचित्।

यद्यपि **वैष्ण**वादौ औरसादीनां प्रागुक्तानां प्रथमद्वितीयादित्वेन कथनात्, "एतेषां पूर्वः पूर्वः श्रेयान् स एव दायहर" इत्युक्तेश्च क्रमो विहित एव तथापि मूलोक्त एव युक्तियुक्त इति प्रागुक्तम् इति बोध्यम्। तदेतदभिप्रेत्यैव उपसंहरति। **तस्मादिति।**

नन्वेवमपि **मूलादेर्मनु**विरोध एव। भ्रातॄणामिति **मनु**ना एकेन भ्रातुष्पुत्रेणैवान्येषामप्यपुत्रभ्रातॄणां पुत्रवत्त्वप्रतिपादनेन स पुत्र इति लाभेन मूलकृता च "औरसो धर्मपत्नीज" इत्यादिना "पूर्वाभावे परः" इत्यन्तेन विभागकथनद्वारादिना द्वादशत्वस्य पुत्राणां प्रतिपादनेन द्वादशभ्योऽधिकोऽन्यस्तत्र कथमयमन्तर्भूतः तथा द्वादशत्वासङ्गतेरित्याशयेनाह। **यत्तु भ्रातॄणामिति। यत्तु,** यदपि। परिहरति। **तदपीति।** परमतमाह। **भ्रातुष्पुत्रस्येति।** सम्भवे इत्यनेनान्यथा अन्येषामपि अवकाशः सूचित इति न तत्प्रतिपादकस्मृतिविरोध इति सूचितम् **निषेधार्थमिति।** तथा च तस्य दत्तकत्वमिति न विरोध इति भावः।

ननु निषेधार्थमित्यस्य निषेधाभिधेयकमित्यर्थः उत निषेधतात्पर्यकमित्यर्थः । नाद्यः । शब्दात्तदप्रतीतेः । नान्त्यः । तथा तात्पर्यस्य लक्षणां विना दुर्वचत्वेन वक्ष्यमाणरीत्या वचनोपपत्त्या मुख्यार्थबाधाभावेन तथार्थे साधकस्मृत्यन्तराभावेन तात्पर्यानुपपत्त्याद्यभावेन च निष्प्रयोजनलक्षणाया अनौचित्येन तदर्थासम्भवात्। तथा चेदमयुक्तम् । अतो वक्ष्यमाणं स्वाभिमतमर्थं हृदि निधाय स्वमतेन प्रकृतं विरोधं परिहरति । **न पुनरिति** । न चेत्यर्थः । **पुत्रत्वेति** । अपुत्रभ्रातृनिष्ठापितृतानिरूपितपुत्रत्वेत्यर्थः । कन्यादिसत्त्वे इत्यादिः । अत्रैव तात्पर्यं न तूक्तार्थे इति अत **एवेदम्** उपपादयितुमत्र हेतुमाह । **तत्सुता गोत्रजा इति** । पत्नीदुहितरश्चेत्यादिनाऽत्र वक्ष्यमाणेन भ्रात्रभावे भ्रातृसुतस्य धनभाक्त्वं प्रतिपादितम् । यदि तु **मनो**स्तथाऽर्थः स्यात्तदा तस्याप्यौरसादितुल्यतया पुत्रत्वेन सर्वेभ्यः पत्न्यादिभ्यः पूर्वमेव धनभाक्त्वस्य लाभेन तद्विरोधः स्पष्ट एव । किं च तथा सति अस्य क्रमपठितद्वादशमध्येऽन्तःपातस्य दुष्करत्वेन तदग्रे एव निवेशो वाच्यः । तथा च सर्वतोऽत्रापकृष्टत्वलाभेन वक्ष्यमाणस्मृतिकदम्बविरोधापत्तेः । प्रकृतसंख्याविरोधस्तु न दत्तः । शङ्काविषयत्वात् । न चैवमपि तथा सति त्रयोदशपुत्रत्वापत्त्या ' पुत्रान्द्वादशधानाहेति ' **मनु**विरोध एव कुतो न दत्त इति वाच्यम् । तदाशयस्य वक्ष्यमाणत्वादिति भावः । एतत्तत्त्वमनुपदमेव स्फुटीभविष्यतीत्यलम् ॥ १३२ ॥

याज्ञवल्कीये १३३ श्लोकः (पूर्वार्धः) ।

सङ्गतिमाह । **इदानीमिति** । उपसंहारमात्रपरत्वे पौनरुक्त्यपरिहारेऽपि तथा चमत्काराभावेनाह । **व्याजेनेत्यादि । तत्रैव,** क्षेत्रजादिष्वेव । नियमस्वरूपं " सर्वं वाक्यम् " इति न्यायेनाह । **समानेति** । तद्व्यवच्छेद्यमाह । **न भिन्नेति** । तथा चैते सवर्णा एव युक्ताः पुत्रा भवन्ति । अत एव ' सवर्णायामिति ' **बौधायनेनो**क्तम् । एवं चैते क्षेत्रजादयो यद्यधिकवर्णादुत्पन्नाः तदाऽपि तन्नामधेयभाजो भवन्त्येव अपि तु सवर्णादुत्पन्ना इव प्रशस्ततरा न भवन्ति । सजातीयोष्विति सजातीयनियमात् । यदि हीनवर्णादुत्पन्नास्तदा प्रतिलोमजत्वेन निन्द्या एवेति बोध्यम् ।

तथा सति प्रसक्तपूर्वविरोधाभावाय कानीनादीषु सजातीयत्वमाह । **तत्र चेति ।** तेषां पुत्राणां मध्ये इत्यर्थः । तथा नियमे सति चेत्यर्थो वा । ननु स्वतस्तत्कुतो नेत्यत आह। **स्वरूपेणेति ।** स्वरूपतस्तेषां कुण्डगोलकयोरन्यतरत्वेन आद्यकानीनस्य व्यभिचारजन्यत्वेन वर्णजात्यन्तर्भावाभावस्याचाराध्यायेऽभिहितत्वादित्यर्थः । अन्यथाऽनुपपत्त्या चेदम् । अन्यथा विरोधो दुष्परिहर एव स्यादिति भावः ।

नन्वेवमपि मूर्द्धावसिक्तादीनां दायहरत्वानुक्त्या न्यूनता मूलादौ, तेषां तत्रानन्तर्भावात् । उपलक्षणतया तत्र तेषां ग्रहणे प्रागुक्तरीत्या मध्ये दुर्ग्रहत्वेन अन्ते ग्रहणे द्वादशाभावे तेषां दायहरत्वापत्तिः, उपसंहारविरोधापत्तिश्च, अतो ऽनुक्तं विशेषान्तरमाह तथेति । प्रतिलोमजव्यावृत्तये आह **अनुलोमेति** । प्रागुक्ताशयेनाह **औरसेष्विति** । तथा च परांशे एवायं नियमो न सर्वतः पूर्वांशे इति तत्रासवर्णत्वेऽपि न बाधकमिति न **शङ्को**क्तदोष इति भावः । अपिर्मुख्यपुत्रिकोभयसमुच्चायकः ।

एवं सति प्राप्तातिप्रसङ्गनिरासाय वक्ष्यमाणमूलसङ्गतये च आदिना पारशवान्यस्यैव ग्रहणमिति सूचयन् विशेषान्तरमाह **शूद्रेति । अन्याभावेऽपीति ।** मुख्यौरसादिपुत्राभावेऽपीत्यर्थः । उभयत्र मानमाह । **यथाहेति** । मन्वर्थमाह । **यदीति।** यद्यपीत्यर्थः । क्वचित्तथैव पाठो वचनानुरोधी । पितेति शेषः । इदं च मृतपितृकधनविभागविषयकम् । अक्षरमर्यादया तथैव प्रतीतेः । जीवद्विभागे तु प्रसादाद्दाने एकांशः, प्रसादे तु तावदेवेत्युक्तं यत्पुनर्ब्राह्मणेत्यादिना । अत एव तद्विरोधो न । तदेतदभिप्रेत्याह। **तस्मिन्निति** । पितरीत्यर्थः । दद्यादिति[1] स्वारस्यादाह **क्षेत्रजादिरित्यादि । दशमांशादधिकमिति ।** न चेदं मनूक्तं दशमांशहारित्वं ' चतुस्त्रिद्व्येकभागाः स्युर्वर्णश ' इति मूलोक्तेन शूद्रापुत्रस्यैकांशहारित्वेन विरुद्धमिति वाच्यम् । ब्राह्मणीपुत्रस्य चत्वारोंऽशाः, क्षत्रियापुत्रस्य त्रयः, वैश्यापुत्रस्य द्वौ, शूद्रापुत्रस्यैक इति मिलित्वा दशेति तत्रापि दशांशहारित्वस्यैवोक्तत्वात् । तत्र शूद्रापुत्रांशापेक्षया चत्वारो भागा बोध्याः । **इतिः** शाब्दार्थसमाप्तौ ।

तात्पर्यार्थमाह। **अस्मादेवेति ।** उक्तमनुवचनादेवेत्यर्थः । तदेव तथेत्यादिना प्रतिपादितमिति न तस्य निर्मूलता नापि कश्चित्तत्र विशेष इति भावः ।

याज्ञवल्कीये १३३ (उत्तरार्द्ध)–१३४ श्लोकौः ।

अत एव वक्ष्यमाणसङ्गतिमेवाह **अधुनेति ।** पूर्वोक्तोपसंहारस्य सविशेषस्य कथनानन्तरमित्यर्थः । **तत्प्रसङ्गेन,** तत्प्रकरणेन । तद्वक्तव्यत्वस्याप्यावश्यकत्वात् । **उत्पन्नः,** सोऽपि । कामत इत्यस्य व्याख्या **पितुरिति** । एवं पूर्वार्द्धेन जीवत्पितृकविभाग उक्तः ।

मनुरपि, (अ. ९ । १७९)

" दास्यां वा दासदास्यां वा यः शूद्रस्य सुतो भवेत् । सो ऽनुज्ञातो हरेदंशमिति धर्मो व्यवस्थितः ॥ " इति ।

उत्तरार्द्धं द्वितीयविभागपरं स्पष्टमेवेत्याह ।**पितुरूर्ध्वमिति ।** मरणादिति शेषः । **परिणीतापुत्राः,** विवाहितापुत्राः । तदा ते भ्रातर इति पाठः । **अर्द्धभागिकं,** कर्मधारयान्मत्वर्थीयष्ठन् । अर्द्धभागिनमिति पाठे इनिर्बोध्यः । अर्द्धत्वस्य सापेक्षत्वादाह । **स्वभागादिति ।** तेषां प्रत्येकं यो भागोंऽशस्तत्रैकांशापेक्षयाऽर्द्धं समुदितद्रव्यात् दद्युरित्यर्थः ।

तृतीयार्द्धार्थमाह । **अथेति ।** हरेदित्यनेन जन्मना पुत्रवत्तस्यापि स्वत्वं सूचितम् । दुहितॄणामित्याद्यर्थमाह । **यदीति ।** दुहितृसुतापेक्षया दुहितुः प्राथम्यस्य मूले वक्ष्यमाणत्वेन तत्सुतसत्त्वेऽपि कृत्स्नग्रहणे किमु वक्तव्यं साक्षाद्दुहितृसत्त्वे इति कैमुतिकन्यायसिद्धमर्थमाह । **परिणीतादुहितर इति ।** एवमेवाह । **तत्पुत्रा** इति ।

केचित्तु—दुहितॄणामित्यत्राभावे इति शेषः । सुतादित्यत्रापि प्रत्यासत्त्या तत्सबन्धः । ' गामश्व ' इतिवत्समुच्चय इत्याशयोऽस्येत्याहुः । प्रत्यासत्तेरेवैतत्तात्पर्यार्थमाकांक्षितमाह । **तत्सद्भावे इति ।** अन्यतरसद्भावे इत्यर्थः । युक्त्यन्तरस्य वक्ष्यमाणत्वेनैतद्युक्तमिति तत्त्वम् । अन्यस्याश्रुतत्वात्तस्य च प्रकृतत्वेन बुद्धिस्थत्वमित्यत्रापि तथैवेति भावः ।

अत्र गृहजातप्रसङ्गात् दासविषये किञ्चिदनुक्तमुच्यते । तत्र तावद्दासाः पञ्चदश ।

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१ दद्यादिति दानक्रियायाः कर्त्राकांक्षत्वात् योग्यतया क्षेत्रजादेरेव कर्तृत्वमिति भावः ।

" गृहजातस्तथा क्रीतो लब्धो दायादुपागतः । अनाकालभृतस्तद्वदाहितः स्वामिना च यः ॥
" मोक्षितो महतश्चर्णाद्युद्धप्राप्तः पणे जितः । तवाहमित्युपगतः प्रव्रज्यावसितः कृतः ॥
"भक्तदासश्च विज्ञेयस्तथैव वडवाहृतः । विक्रेता चात्मनः शास्त्रे दासाः पञ्चदश स्मृताः" ॥इति । **नारदः** ।(अ. ५ श्लो.२६।२७।२८) तत्र गृहजातादौ विशेषमाहतुः—(**मनु**. अ. ९। १७९) **मनुयाज्ञवल्क्यौ**, (**याज्ञ**. २। श्लो. १३३ । १३४) "दास्यां वा दासदास्यां वा यः शूद्रस्य सुतो भवेत् । सोऽनुज्ञातो हरेदंशमिति धर्मो व्यवस्थितः" ॥ इति । " जातोऽपि दास्यां शूद्रेण कामतोंऽशहरो भवेत् । मृते पितरि कुर्युस्ते भ्रातरस्त्वर्द्धभागिकम् । अभ्रातृको हरेत्सर्वं दुहितॄणां सुतादृते ॥ " इति च ।

तत्र दास्यां कस्यां चित् ध्वजाहृताद्युक्तलक्षणायां तादृशस्य दासस्य कस्यचित्सम्बन्धिन्यां वा यः शूद्रस्य सुतो भवेत् स पित्रा " परिणीतापुत्रैः समांशभागो भवान्भवतु " इत्यनुज्ञातः सममंशमौरसेन हरेदिति शास्त्रव्यवस्था नियतेत्याद्यर्थ इति **कुल्लूकभट्टः** । शूद्रस्यानूढायामनियुक्तायामपि जातः सुत एव । एवं यद्यपि दासस्य दासी तथापि वचनात्तस्यां जातो न दासस्य दासः सुतो वाऽपि तु स्वामिन एव सुतोऽनुज्ञातस्तेन समसंशमौरसेन हरेदिति **मेधातिथिः** । जीवत्पितृकविभागेऽयं द्वितीयार्थो **मिताक्षरायां** स्पष्टः । तत्र द्वितीयेऽपिना क्रीतादयोऽपि समुच्चीयन्ते । यथा **पाणिनीये** (३।३।२) ' भूतेऽपी'त्यपिनाऽन्यकालसमुच्चयः । यथा वा,

" बलाद्दासीकृतश्चौरैर्विक्रीतश्चापि मुच्यते । "

इत्यत्रापिना ऽऽहितदत्तयोरन्यपठितयोः समुच्चयो **विज्ञानेश्वर**कृतः । न च अपिः पूर्वसमुच्चायक एवेति वाच्यम् । तं विनाऽपि **मनु**वत्तत्समुच्चयसम्भवात् । औरसान्यसमुच्चयस्यौरसेन सममिति वदतो **मेधातिथ्यादेः** परिणीतापुत्राः सन्तीत्यादि वदतो **विज्ञानेश्वरस्य** चानभिमतत्वात् । दत्तान्येषां कलिवर्ज्यत्वेन शूद्राणामविद्यत्वेन होमादिकरणासंभवाच्च पुत्रस्य दाने प्रतिग्रहे वाऽधिकार इति तदसंभव इति तत्तात्पर्यात् । अत एव—

" तस्माच्छूद्रं समासाद्य सदा धर्मपथे स्थितम् । प्रायश्चित्तं प्रदातव्यं जपहोमविवर्जितम् ॥ "

इत्याङ्गिरसं,

" तूष्णीमेताः क्रियाः स्त्रीणां विवाहस्तु समन्त्रकः " । इति **मूलं** च सफलम् अन्यथा तयोस्तत्रानाधिकाराद्ध्वदुक्तरीत्यैव वचनान्तरविहितकर्मणां तयोरपि तद्वर्जनेन सिद्धौ तदानर्थक्यं स्पष्टमेव । तस्माद्यत्र तद्रहितं कार्यमिति वचनमस्ति तदेव तद्रहितं तत्र भवति नान्यत् । न चेह तथा वचनमस्ति । न च—

" ब्राह्मणानां सपिण्डेषु शूद्राणां शूद्रजातिषु । सर्वेषां चैव वर्णानां ज्ञातिष्वेव न चान्यतः
" दौहित्रं भागिनेयं वा शूद्राणां चापि दीयते । शूद्रः सर्वस्वमेवापि अशक्तश्चेद्यथाबलम् ॥ "

इति **शौनकीय**मस्त्येवेति वाच्यम् । तस्य **कालिकापुराणै**कवाक्यतया दत्ताख्यदासप्रतिपादने एव तात्पर्यात् । अत एव—

" ध्वजाहृतो भक्तदासो गृहजः क्रीतकृत्रिमौ । पैतृको दण्डदासश्च सप्तैते दासयोनयः ॥ "
(अ. ८।४१५)

इति [illegible]न्वाद्युक्तदत्रिमस्य सावकाशत्वम् । अन्यथा दत्रिमयोः पुत्रदासयोर्विविक्तत्वं न स्यात् ।

मन्त्रादिराहितविधिना पुत्रत्वमन्यथा दासत्वमिति तु न । पूर्वोक्तहेतोः । अत एव **कालिकापुराणे** अदासतेति च्छेद इति केषाञ्चिकल्पनाऽपि निरस्ता । अत एव तेषां दासत्वप्रतिपादनार्थं न तु परिसंख्यार्थमित्येवं **मानवं** व्याख्यातं व्याख्यात्रा । स्पष्टं चेदं **वाचस्पतिगोविन्दार्णवादि**निबन्धेषु । ब्राह्मणादित्रये नास्तीत्यादि तु दत्ताख्यदासत्वस्यैव बोधकम् । न च तत्र सुतपदान्न तथेति वाच्यम् । **मानवे**ऽप्यत्र सुतपदसत्त्वात् । किं च **मनू**क्तद्वितीयसमुच्चयानापत्तेः । एतेनोक्तसमुच्चायकत्वं तस्य नानुक्तसमुच्चायकत्वमित्यप्यपास्तम् । प्रागुक्तसमुच्चायकत्वे **मनू**क्तद्वितीयसमुच्चयानापत्तेः । बलाद्दासीत्यत्रापि तेन तयोः समुच्चयानापत्तेश्च । स्मृत्यन्तरीयेषु मानवस्यैव समुच्चयो न नारदीयस्येत्यत्रात एव मानाभावाच्च । एतेन जात इत्यनेनैव **मनू**क्तोभयसंग्रह इति स व्यर्थ एवेत्यप्यपास्तम् । फले संभवति तत्त्वकल्पनाया अन्याय्यत्वात् । एतदर्थमपि **नारदीयं** परिगणनम् । अन्यथा अपिवैयर्थ्यं स्पष्टमेव । पादपूरकत्वकल्पनापेक्षयोक्तमेवोचितम् । अत एव **मनु**ना दासदास्यां वेत्यप्युक्तम् । **विज्ञानेश्वर**स्त्वत्राप्यंशे उदासीनः । एवं चान्येषामपि दासानां शूद्रस्वामिकधनांशहरणमुक्तरीत्या सिद्धम् । एवं सति "शूद्राणां तु सधर्माणः सर्वेऽपध्वंसजाः स्मृताः ।"

(अ. १०।४१) इति **मनो**रन्यत्राप्यवर्णेषु तादृशेषु तथा बोध्यम् । न च **मनुविष्णवा**दिभिः "अनन्तरः सपिण्डाद्यस्तस्य तस्य धनं हरेत्" (**मनु**. ९।१८७) इत्यादिना प्रत्यासत्तेरेवांशहरत्वे नियामकत्वस्योक्तत्वेन गृहजातस्य तत्सत्त्वेऽपि क्रीतादिदासेषु तदभावात्कथं तेषां तद्धरत्वमिति वाच्यम् । दत्तक्रीतादिपुत्रवदत्रापि उपाधिना तत्संभवात् । 'भ्रातरस्त्वर्द्धभागिनमिति ' 'अभ्रातृको हरेदिति ' च तस्य भ्रातृत्वातिदेशाच्च । **मानवे**न सुतत्वातिदेशाच्च । अन्यथा ' मृते स्वामिन्यात्मीयमिति ' **विष्णूक्तं** दासानां स्वामिमरणे सजातीयाशौचमपि न स्यात् । अत एव दासीगमने ऽन्यस्य दण्डोऽप्युक्तः,

"अवरुद्धासु दासीषु भुजिष्यासु तथैव च । गम्यास्वपि पुमान्दाप्यः पंचाशत्पणिकं दमम् ॥

"प्रसह्य दास्यभिगमे दण्डो दशपणः स्मृतः" (**याज्ञ.** २।२९०।२९१) इत्यादि ।

अत एव च भक्तदासस्य स्वामिना सह विवाद उक्तः । अत एव च तेषां प्रव्रज्यावसितभिन्नानां दासत्वान्मुक्तौ कारणानि मोक्षक्रमश्चोक्तः—

"बलाद्दासीकृतश्चौरैर्विक्रीतश्चापि मुच्यते । स्वामिप्राणप्रदो भक्तत्यागात्तन्निष्क्रयादपि ॥"

इति **मूले** (अ. २ श्लो. १८२)

"यो वैषां स्वामिनं कश्चिन्मोक्षयेत्प्राणसंशयात् । दासत्वात्स विमुच्येत पुत्रभागं लभेत च ॥"

"अनाकालभृतो दास्यान्मुच्यते गोयुगं ददत् । संभक्षितं यद्दुर्भिक्षे न तच्छुध्येत कर्मणा ॥"

"भक्तस्योत्क्षेपणात्सद्यो भक्तदासः प्रमुच्यते । आहितोऽपि धनं दत्वा स्वामी यद्येनमुद्धरेत् ॥"

"ऋणं तु सोदयं दत्त्वा ऋणी दास्यात्प्रमुच्यते । कृतकालव्ययगमात्कृतकोऽपि विमुच्यते ॥"

"तवाहमित्युपगतो युद्धप्राप्तः पणे जितः । प्रतिशीर्षप्रदानेन मुच्येरंस्तुल्यकर्मणा ॥"

"निग्रहाद्वडवायास्तु मुच्यते वडवाहृतः" ॥ इति **नारदश्च** । (अ. ५ श्लो. ३०—३६)

विनतायाः कद्रूदास्यान्मुक्तिरपि वैनतेयकृता **महाभारते** स्पष्टा ।

(**ना. अ. ५ श्लो. ४२।४३**)

" स्वं दासमिच्छेद्यः कर्तुमदासं प्रीतमानसः । स्कन्धादादाय तस्यासौ भिन्द्यात्कुम्भं सहाम्भसा ॥ "
" साक्षताभिः सपुष्पाभिर्मूर्द्धन्यद्भिरवाकिरेत् । अदास इति चोक्त्वा त्रिः प्राङ्मुखं तमथोत्सृजेत् ॥ "

इत्यन्ते ऽन्यः । तस्मात्प्रत्यासत्तेः सत्त्वात् युक्तं तस्यापि तद्धरत्वम् । किं च पुत्रत्वादिप्रत्यासत्त्यपेक्षया दासत्वप्रत्यासत्तिरुत्तमोत्तमा । अत एवोक्तं 'तेषां दासस्य दासोऽहमिति' ।

अत एव च दास्यं नवविधभक्तिमध्ये गणितं, " श्रवणं कीर्तनम् " इत्यादि । तत्र तत्र मुख्याधिकारिणश्चोक्ताः, श्रीविष्णोः स्मरणे परीक्षिदित्यादि । दासविषये आशौचमपि ऋषिभिः प्रतिपादितम् । अत एव—

" छाया स्वो दासवर्गस्तु दुहिता कृपणं परम्" । इति **मनूक्तिः** (अ. ४ । १८५) । सा चाचारे पप्रश्चिता । अत एव श्राद्धे दासानां तृप्त्यर्थं भूमावुच्छिष्टान्नदानमुक्तम् । अत एव दासीनां वंशपत्रमित्यादिना **मनुना** विभाज्यत्वनिषेधः कृतः । न चैवं—

" भार्या पुत्रश्च दासश्च त्रय एवाधनाः स्मृताः । यत्ते समधिगच्छन्ति यस्यैते तस्य तद्धनम् ॥ "
(अ. ८।४१६)

इति **मनु**विरोध इति वाच्यम् । एते त्रयोऽर्जितधना अपि अधना धनास्वामिनः, भर्त्रादिरेव हि तत्र स्वामित्वं, ते यद्धनं अधिगच्छन्ति अर्जयन्ति तत्र स्वस्वामिस्वामिकत्वात् इत्यर्थेनांशग्रहणे भार्यादिवदविरोधात् । पारतन्त्र्यप्रतिपादनपरतया **मेधातिथिविज्ञानेश्वरा**दिभिर्व्याख्यातत्वेन स्वस्वकर्मणस्तदनुज्ञया तत्सत्त्वे करणेऽपि तद्वत्तस्यापि तदनन्तरं स्वातन्त्र्यस्य निर्विघ्नत्वाच्च । नञोऽल्पार्थत्वेनास्योपपत्तिर्बोध्या । अत्र भार्यादिसाहचर्यमपि तेषां तत्त्वे लिङ्गम् ।

" पुत्रः शिष्यस्तथा भार्या दासी दासस्तु पञ्चमः । प्राप्तापराधास्ताड्याः स्यू रज्ज्वा वेणुदलेन वा ॥
" अधस्तात्तु प्रहर्तव्यं नोत्तमाङ्गे कदाचन । अतोऽन्यथा तु प्रहरन् चौरस्याप्नोति किल्बिषम् ॥ "

इति **मानवो**क्तसाहचर्यमप्येवम् । (अ. ८ श्लो. २९९ । ३००)

यथा शिष्यस्य सर्वाभावे तद्धारित्वमेवं वर्णत्रये दासस्यापीत्यपि **मनु**तो लब्धम् । अत एव

"शुश्रूषकः पञ्चविधः शास्त्रे दृष्टो मनीषिभिः । चतुर्विधः कर्मकरस्तेषां दासास्त्रिपञ्चकाः ॥
" शिष्यान्तेवासिभृतकाश्चतुर्थस्त्वधिकर्मकृत् । एते कर्मकरा ज्ञेया दासास्तु गृहजादयः ॥
"सामान्यमस्वतन्त्रत्वमेषामाहुर्मनीषिणः । " इति **नारदः** सङ्गच्छते । (अ. ५ श्लो. २-४)

अत एव तुल्यदण्डोक्तिरपि सङ्गता ।

" दासत्वात्स विमुच्येत पुत्रभागं लभेत च । (अ. ५।३०)

इति प्रागुक्त**नारदी**यमप्यत्र लिङ्गम् । दायादुपागत इति पैतृक इति च तत्र गणनमपि गृहजाताभिन्नानां तत्त्वे साधकम् । संबन्धसत्त्वे एव हि तथा । अन्यथा ऽसम्बद्धत्वं स्पष्टमेव । **मनु**नाऽपि गृहजस्य मध्यपाठेन सर्वेषां समत्वं बोधितम् । अत एव **नारदी**ये पञ्चदशत्वमपि तथैव बोध्यम् । किं चौरससत्त्वे दासस्य तत्र सति समांशभागित्वं तदिच्छया तदभावेऽपि चार्द्धभागित्वं, दत्तकस्य तु औरससत्त्वे चतुर्थांशभागित्वमिति ततस्तस्य दुर्बलत्वमेव। किं च पत्न्यादिभ्योऽप्ययं प्रबलः। पत्नीत्यादितः प्राक् पुत्रानन्तरं तद्विषये जातोऽपीति **योगिनो**क्तत्वात् । पुत्रप्रकरणे एव 'औरसः क्षेत्रजश्चैवे'त्यादिना 'पारशवः स्मृत' इत्यन्तेन प्रागुक्तक्रमेणोक्त्वा 'दास्यां वे'त्युक्त्वा 'क्षेत्रजादी'निति 'य एतेऽभिहिता'

ख-स्वामिनः । फ-अस्वामिनः । २ व्यय. ५।३०

इति च 'भ्रातॄणामि'त्यतः प्राक् **मनू**क्तेश्च। अत एवाधुना शूद्रधनविभागे विशेषमाहेति व्याख्यात्राऽवतारितम्। विशेषपदेन पूर्वस्य त्रैवर्णिकमात्रविषयत्वमिति अत्र तन्निरासः सूचितः। न चैवं दुहितृदौहित्रयोरत्र ग्रहणं कथमिति वाच्यम्, प्रागुक्तपुत्रिकासुत इत्यस्य व्याख्याद्वयाभिप्रायेण तथोक्तिरित्याशयात्। तेन प्रागुक्तप्रतिनिधिमध्येऽत्र युगेऽयमेव पुत्रिकापुत्रः शूद्रादौ प्रतिनिधिर्न दत्तक इति सूचितम्। दत्तौरसेतरेषां त्विति तु त्रैवर्णिकपरम्। परिग्रहपदस्वारस्यात्। अत एव 'तत्समः पुत्रिकासुत'। इत्युक्तम्। 'पत्नी दुहितर' इति वक्ष्यमाणाशयेन तु नात्र तद्ग्रहणम्। प्रथमोपात्तपत्नीत्यागस्य निर्मूलत्वापत्तेः। दौहित्रस्य साक्षात्तत्रानुपादानाच्च। अत एवात्र दौहित्र्या न ग्रहणम्। तथा च यथौरसो मुख्योऽन्ये प्रतिनिधयः एवमत्र गृहजातो मुख्योऽन्ये प्रतिनिधय इति सिद्धम्। एतदर्थमेव तदनन्तरमेतदुक्तिः। तथा चात्र दत्तको नैवेति साम्प्रतम्। तथा सन्नपि दास एव। अत एव व्याख्यात्रादिना 'परिणीतापुत्राः सन्तीत्याद्युक्तमि'त्युक्तम्। अत एव—

"दत्ताद्या अपि तनया निजगोत्रेण संस्कृताः॥ आयान्ति पुत्रतां सम्यगन्यबीजसमुद्भवाः॥
"पितुर्गोत्रेण यः पुत्रः संस्कृतः पृथिवीपते॥ आचूडान्तं न पुत्रः स पुत्रतां याति चान्यतः॥
"चूडाद्या यदि संस्कारा निजगोत्रेण वै कृताः। दत्ताद्यास्तनयास्ते स्युरन्यथा दासतोच्यते॥"

इति **कालिकापुराणं** सङ्गच्छते।

ब्राह्मणादित्रयेऽप्यङ्गवैकल्ये दासत्वं प्रतिपादयता तेन कैमुतिकन्यायेनान्यत्र तथा सति सुतरां तथेति सूचितमिति दिक्।

एवं च ब्राह्मणादिस्थलेऽपि शिष्याद्यभावे दासः सर्वापहारी। तदभावे श्रोत्रियादिः। अत एव 'सर्वाभावे' इति तत्रोक्तम्। **मानवं नारदीयं** च साहचर्यमप्यत्र गमकमिति बोध्यम्। न चैवमपि यथा— (**मनु.** ९। श्लो. ४८। ५५)

"गोश्वोष्ट्रदासदासीषु महिष्याजाविकासु च। नोत्पादकः प्रजाभागी तथैवान्याङ्गनासु च॥" इति।
"एष धर्मो गवाश्वस्य दास्युष्ट्राजाविकस्य च। विहङ्गमहिषाणां च विज्ञेयः प्रसवं प्रति॥

इति च **मनु**विरोध इति वाच्यम्, तत्रोत्पादकस्य स्वाम्यादभिन्नस्यैव स्पष्टत्वात्। अत एव दासदास्यामित्यत्र वचनात्तथेति **मेधातिथि**नोक्तम्। किंच द्विजात्युत्पन्नस्यैव निरंशस्य भरणमुक्तं व्याख्यात्रा। **याज्ञवल्क्यादि**नाऽपि 'भर्तव्याः स्युर्निरंशका' इत्यादिना तेषां भरणमुक्तम्। स्त्रीस्थलेऽपि प्रतिबन्धकवशान्निरंशत्वे भरणमुक्तं 'भरणं चास्येति' **नारदेन** 'अपुत्रा योषित' इति **मूले**न च। तद्दृष्टान्तेनैव 'अनुकूलश्चेदिति' वक्ष्यति **व्याख्याकृत्**। तथा च यत्र कथमपि निरंशत्वप्राप्तिः तत्रैव भरणम्, अन्यत्रांशहरत्वमेव यथासम्भवम्। अत एव— (अ. ९। २०२)

"सर्वेषामपि तु न्याय्यं दातुं शक्त्या मनीषिणा। ग्रासाच्छादनमत्यन्तं पतितो ह्यददद्भवेत्॥"

इति **मनुना** 'अनंशौ क्लीबपतितौ' इत्यग्रिमेणाभरणे पातित्यमुक्तम्। 'अत्यन्त'मित्यस्य यावज्जीवमित्यर्थः। तथा च शूद्रादिस्थले परिणीतापुत्रपुत्रीदौहित्रसत्त्वे मृतपितृकविभागेऽर्धभागित्वं दासस्य, असत्त्वे तु सर्वहारित्वम्। अत एव 'दुहितॄणां सुताहृते' इति दौहित्रमात्रपरतया **मेधातिथिना** व्याख्यातमपि व्याख्यात्रोपेक्ष्य भेदेन व्याख्यातम्। दुहितृसत्त्वेऽपि सर्वहारित्वम्। 'यावद्वचनं वाचनिकमिति' सिद्धान्तात्।

तदयं निर्गलितोऽर्थः । आद्यदासस्यौरसकल्पत्वं परिणयनाभावात् । अन्येषां दत्तककल्पत्वं, तत्र मन्त्रहोमयोरभावात् । तथा च तेषामन्यतमसत्त्वे मुख्यपुत्रादिसत्त्वे जीवत्पितृकविभागे तदिच्छया तत्समांशभागित्वम् । मृतपितृकविभागे तूक्तमेव । एवं दुहितृदौहित्रसत्त्वेपि । एवं पत्नीसत्त्वेऽपि पुत्रपौत्रदुहितृदौहित्राणामभावे सर्वग्राहित्वं, तदभावे तु पत्नीसत्त्वेऽपि संसृष्टिनोऽविभक्तस्य भ्रातुः सर्वहारित्वं, तदभावे तु पत्न्याः सर्वांशभागित्वमित्यादीति दिगिति । तदेतत्सर्वं हृदि निधायोक्तं ध्वनयन्नेव व्यङ्ग्यार्थमाह—

अत्र चेति । मूले इत्यर्थः । **लभते** इत्यस्य इति गम्यते इति शेषः । ' ब्राह्मणादीनां तु दासीसुताः प्रजीवनभाजो न रिक्थहरा ' इति **मेधातिथि**रपि ॥ १३३ ॥ १३४ ॥

उक्तवक्ष्यमाणप्रमेययोः कठिनतरत्वात्तयोस्तात्पर्यार्थे सौकर्याय दर्शयंस्तत्र श्रोतृसमवधानाय पद्येन सङ्गतिमाह । **मुख्यगौणेति** । गौणेत्यनेन दासानामपि संग्रहः । उक्तक्रमेणेति भावः । **तेषामभावे इति** । तेषां सर्वेषां ब्राह्मणादिवर्णानां मूर्द्धावसिक्ताद्यनुलोमजानां दासानां चेत्यर्थः । दायादाः धनग्राहिणः ।

याज्ञवल्कीये १३५।१३६ श्लोकौ ।

पत्नीत्यत्र एवकारस्य सर्वत्र प्रत्येकं सम्बन्धः । तेनाद्यादिसत्त्वे द्वितीयादिव्यावृत्तिः । **चेन** दौहित्रसमुच्चयः । ' भ्रातर ' इत्यत्रैकशेषेण भगिनीनामपि ग्रहणं बोध्यम् । तथेति भ्रातृविशेषणं विभक्ता असंसृष्टिनश्चेत्यर्थकम् । अत एव सफलम् । न तु समुच्चयाद्यर्थकम् । तं विनाऽप्यन्यत्रेवात्रापि तत्प्रतीत्या तथा साफल्याभावात् । 'तत्सुता' इत्यत्र तयोः सुता इत्यर्थः । ' सुता ' इत्यत्र तथैकशेषेण तयोः कन्यानामपि ग्रहणम् । बन्धुशब्देन बान्धववदाचार्यस्य गुरोरापि ग्रहणम् । तस्यानेकार्थत्वात् । हिः त्वर्थे पूर्वतो वैलक्षण्यसूचकः ।

'अपुत्रस्य ' इत्यत्र मुख्यपुत्रशून्यत्वमात्रं न विवक्षितं प्रकरणविरोधात्, किंतु मुख्यगौणपुत्राणामभाव एवेत्याशयेन तृतीयपादस्य अग्रेऽन्वयासंभवात् पूर्वैकवाक्यतामाह । **पूर्वोक्ता इति** । एषामित्यत्रापि तथैकशेष इत्याह । **पत्न्यादीनामिति** । इदमो न बुद्धिस्थप्रत्येकपरामर्शित्वमित्याह । **अनुक्रान्तानामिति** निर्धारणे षष्ठीत्याह । **मध्ये इति** । अग्रिमानुरोधेन पूर्वस्येति वीप्सागर्भमित्याह । **पूर्वस्य पूर्वस्येति** । उत्तरोत्तर इति संबन्ध इति पाठः । उत्तरोत्तरो धनभागिति संबन्ध इत्यपाठः । पौनरुक्त्यादनन्वयाच्च । तथा पाठे तु तदीयधनभाक्त्वमुद्दिश्य तेषां तथोत्तरोत्तरत्वस्य विधानान्न दोषः ।

अत्र पुत्रग्रहणं पौत्रप्रपौत्रयोरप्युपलक्षणम् । जीवति मृते च पुत्रे पौत्राणां भागस्य ' भूर्या पितामहेति ' ' अनेकपितृकाणामिति ' चोक्तत्वात् ।

" अविभक्तविभक्तानां कुल्यानां वसतां सह । भूयो दायविभागः स्यात् आचतुर्थादिति स्थितिः" इति **देवलात्** । "अपुत्रपौत्रसंताने दौहित्रा धनमाप्नुयुः" । इति **विष्णुः** । पिर्ता[1] 'सवर्णायाः पुत्रः पौत्रः पुत्रपौत्र' इत्युपक्रम्य "सत्स्वन्येषु तद्गामीति" **बौधायनोक्तेश्च** । (१।५।९५।९७) एवं पादत्रयैकवाक्यार्थमुक्त्वा तुर्यपादार्थमाह । **सर्वेष्विति** । सर्वशब्दो न वर्णविशेषणम्,

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१ फ-पित्रा ।

अपि तु स्वतन्त्र इति सर्वे च वर्णाश्चेतीतरेतरद्वंद्व इति भावः । **क्रम इति** । इदं क्रमपरमेव हीति स्पष्टमिति भावः ।

उक्तक्रमं विभज्य विविच्य दर्शयति । **तत्रेत्यादिना** । **तत्र** पत्न्यादीनां मध्ये । **प्रथमं** तथोपादानात् । तदर्थमाह । **विवाहसंस्कृतेति** । धर्मविवाहपूर्वकश्रौतस्मार्तकर्मसहाधिकारवतीत्यर्थः । तदेतत् ध्वनयन्नाह । **पत्युर्नो यज्ञेति । स्मरणात्, पाणिनिस्मृतेः** । (४।१।१३३) पतिशब्दस्य नकारादेशो भवति यज्ञसंयोगे गम्ये । दंपत्योः सहाधिकारेण यज्ञसाधनत्वात्तत्कर्तृकयज्ञफलभोक्त्रीत्वाच्च तस्या यज्ञसंयोगः । 'यज्ञसंयोगे' इत्यस्य यज्ञेन संबन्धे इत्यर्थः । स्त्रिया इति शेषः । संयोगपदं संबन्धोपलक्षणम् । संबन्धश्च यज्ञफलप्रतियोगिकैश्वर्यवत्त्वम् । तथा च विलक्षणविवाहसंस्कृतैव यज्ञसाधनं नान्येति सैव पत्नीत्युच्यत इति भावः । 'सवर्णासु विधौ धर्म्ये' इत्युक्त्या ज्येष्ठां विनाऽन्यासामनधिकारेऽपि तया सहाधिकारात् तदभावेऽप्यधिकारात्तासामपि तत्संबन्धो बोध्यः ।

एतेन "यद्यपि ज्येष्ठायामनिषिद्धायां सत्यामन्यासां नाधिकारस्तथापि तदभावे दीर्घरोगग्रस्तायां तस्यां पतितायां वाऽन्यासां क्रमेणाधिकारोऽस्तीति यज्ञसाधनत्वयोग्यताऽस्तीति 'यज्ञसंयोगे' इत्यत्र यज्ञसाधनत्वयोग्यता विवक्षिता । यद्वा यज्ञसंयोगशब्देन विवाह एव । तत्रापि देवतोद्देशेन द्रव्यस्य दीयमानत्वात्तद्रूपत्वाच्च यागस्य । एवमपि विवाहितैव पत्नी नान्येति तदा स्त्रियं विना विवाहस्यैवाभावाद्यज्ञसाधनत्वं बोध्यम्" इति **मदनोक्त**मपास्तम् । अन्यार्थे योग्यत्वविवक्षायामपि प्रकृते प्रोक्तरीत्या निर्वाहे तद्विवक्षाया अनुपयोगात्, द्वितीयार्थस्य भाष्याद्यसंमतत्वात्, उक्तरीत्या पूर्वपक्षस्यैवासंगतेश्च ।

एतेन "पत्नी विवाहिता, पत्युर्नो यज्ञेति अत्र वदतोऽग्रेऽप्युपसंहारे उभयत्र तथैव वदतो **विज्ञानेश्वरस्य** द्वितीयमतमेवेष्टमिति शूद्राया अपि तस्यास्तत्त्वम्, अत एव **कातीयादि**कमवरुद्धस्त्रीविषयमिति तेन वक्ष्यते, अन्यथा तां विहाय तत्पर्यन्तधावनासंगतिः स्पष्टैव" इति परास्तम् । तथेष्टत्वे पत्नी धर्मविवाहोढेति प्राग्वद्विवाहितेत्येव सिद्धे पत्युर्नो यज्ञेत्युल्लेखस्य निर्बीजत्वापत्तेः, अर्थान्तरस्य महाभाष्यविरुद्धत्वाच्चेति दिक् ।

न्यूनत्वादिनिरासायाह । **एकवचनमिति** । अत एव 'पत्न्यः कार्या' इत्यत्र बहुवचनं उक्तम् । **यथांशमिति** । सन्ति तदेत्यादिः । 'चतुस्त्रिद्व्येकभागाः स्यु' रित्युक्तिक्रमेण ब्राह्मणी क्षत्रिया वैश्या गृह्णीयुरित्यर्थः । तथा च तस्य तादृशस्य समग्रधनग्रहणं पत्न्या कार्यमिति सिद्धम् ।

अत एव **व्यासः**—

"मृते भर्तरि साध्वी स्त्री ब्रह्मचर्ये व्यवस्थिता । स्नाता प्रतिदिनं दद्यात्स्वभर्त्रे सलिलाञ्जलिम्[1] ॥
"कुर्यादनुदिनं भक्त्या देवतानां च पूजनम् । विष्णोराराधनं चैव कुर्यान्नित्यमुपोषिता ॥
"दानानि विप्रमुख्येभ्यो दद्यात्पुण्यविवृद्धये । उपवासांश्च विविधान्कुर्याच्छास्त्रोदितान् शुभान् ॥
"लोकान्तरस्थभर्तारमात्मानं च वरानने । तारयत्युभयं नारी नित्यं धर्मपरायणा" ॥ इति ।

अनेन च पुत्रादिवत्सर्वोपकारकतया नरकादिनिस्तारकत्वेन च तदभावेऽन्यतः पूर्वं पत्न्या एव तत्त्वम्, अन्यथा दानाद्यसम्भव इति बोधितम् । सवर्णाया अभावेऽसवर्णाऽपि पत्नी । तेन शूद्राव्यवच्छेदः । तस्याः परिणीतात्वेऽप्यपत्नीत्वात् ।

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१ फ—सतिलाञ्जलिम् ।

अत एव **विष्णुः**—"सवर्णाऽभावे त्वनन्तरया चापदि, न त्वेव द्विजः शूद्रयेति" धर्मकार्यं कुर्यादित्यनुवर्तते। **आचाराध्याये मूले** चोक्तमिदम्। अतस्तस्या जीवनोपयुक्तांशभागित्वं, न कृत्स्नांशभागित्वमिति बोध्यम्।

तत्र मानान्तरमप्याह। **वृद्धेत्यादिना**। **शयनं इति**। तच्छयनसाधनयोनिरक्षणं सम्यक्कुर्वतीत्यर्थः[1]। अत एवाह। **व्रते इति**। ब्रह्मचर्ये इत्यर्थः। एवेनेतरव्यवच्छेदः। तथा चेदमपि तदंशे क्रमबोधकमेवेति भावः। **तत्**, तस्मै भर्त्रे। **अंशं** धनम्। अपुत्रेत्युक्तेरिदमग्रिमं चापुत्रादिविषयमिति स्पष्टमेव। **बृहद्विष्णुरपीति**। पत्न्यादीनां क्रमेण सामान्येन सर्वधनग्रहणं वक्तीति शेषः। स हि क्रमपर एव स्पष्टः **मूलवत्**। **विष्णुरप्येवम्**। **मातृगामीतीति**। "तदभावे भ्रातृगामि, तदभावे भ्रातृपुत्रगामि, तदभावे बन्धुगामि, तदभावे सकुल्यगामि, तदभावे सहाध्यायिगामि, तदभावे ब्राह्मणधनवर्जं राजा स्वामीति" वाक्यशेषः। **कात्यायनेनापीति**। तथोक्तं किंचिदंशे इति भावः। **पत्नीति**। सेत्यादिः। **भर्तुरिति**। अपुत्रस्येत्यादिः। **मन्वादिस्मृत्यनुरोधात्**। धनहरीत्यत्र विशिष्टस्य पचादिषु पाठादच्। स नदडित्यादिवद्विदिति[2] ङीप्। **अव्यभिचारिणीति**। इदमप्रतिकूलाया अप्युपलक्षणम्। **दुहितेति**। तत्सामान्यमित्यर्थः। यद्यनूढेत्यादेरर्थस्तु वक्ष्यमाण एव। उक्तवाक्यमपुत्रपरमिति सूचयन् तदीयमेव वाक्यान्तरमाह। **तथेति**। अथशब्दः प्रारम्भादाविति यावत्। कुलजात्वं च नात्र सवर्णात् जातात्वमात्रम्, अपि तु सवर्णादानुलोम्येन च जातात्वे सति सत्कुलप्रसूतात्वम्। तेनाव्यभिचारिणी साध्वी गृह्यते। अत एव पूर्वस्यैकवाक्यता। अत एव तदभावे इत्यस्य अर्द्धद्वयमध्यपठितस्य पूर्वत्राप्यन्वयः। मूलाद्येकवाक्यतया चाग्रेऽपि प्रतिवाक्यं संबन्धः। अपिना दौहित्रसमुच्चयः। वाशब्द एवार्थः सर्वत्रान्वेति। पुत्राश्च प्रत्यासत्त्या भ्रातुरेव। चेन कन्यानामपि प्राग्वत् ग्रहणं बोध्यम्। भ्रातृपदं भगिनीनामप्युपलक्षणम्। पितामातेत्यंशेऽनेन प्रागुक्त**विष्णुना** च तत्रान्यत्र च विरोधो यथा **मूलस्य** न, तथाऽग्रे स्फुटीभविष्यति। **बृहस्पतिरपीति**। सर्वत आदौ पत्न्या धनग्रहणं वक्तीति शेषः। कुल्येष्विति पित्रादिविशेषणमिति कश्चित्। वस्तुतो भिन्नं पितृभ्रातृसपिण्डान्यस्वकुलोत्पन्नदुहितृदौहितृभ्रातृसुतादिपरम्। पितृपदेनैकशेषेण मातुरपि ग्रहणम्। एवं भ्रातृपदेन भगिनीनामपि ग्रहणं बोध्यम्। "सपिण्डाः स्युः सनाभयः" इति कोशः (**अमरः** २।६।३३)। तेषु तेषु च विद्यमानेष्वपि अपुत्रस्य मृतस्य पत्न्येव तस्य भर्तुः, भज्यते इति भागो धनं सर्वं, तद्धारिणीत्यर्थः।

एवं स्वल्पस्मृत्यन्तरानुरोधेन **मूलार्थं** प्रतिपाद्य दृश्यमानान्यस्मृतिविरोधं परिहर्तुमादौ विरोधमाह। **एतदिति**। उक्तसर्वविरुद्धानीत्यर्थः। चस्त्वर्थे। **लक्ष्यन्ते** दृश्यन्ते। तान्येवाह। **तद्यथेति**। तान्येव क्रमेण प्रदर्शयामीत्यर्थः। तत्रादौ **नारद**माह। **भ्रातृणामिति**। निर्धारणे षष्ठी। अप्रजा इत्यत्र 'नित्यमसिच्' (व्या. सू. ५।४।१२२) इत्यसिच्। प्रजाशब्दः पुत्रादिमात्रपरः। **प्रेयात्** परलोकं गच्छेत्। **शेषास्ते** भ्रातर एव, प्रत्यासत्तेः। **चो** भिन्नक्रमः। **चेद्यदि** स्त्रियः भर्तुः शय्यां प्राग्वत् स्वयोनिं रक्षन्ति तदा जीवनक्षयपर्यन्तमस्य स्त्रीणां भरणं पोषणं कुर्वीरंश्चेत्यर्थः। **आच्छिन्द्युरिति**। इतरासु व्यभिचारीणीषु स्त्रीषु विषये भरणमप्याच्छिन्द्युरपाकुर्युर्न दद्युरिति यावदित्यर्थः। एतच्चापोषणमत्यन्तपरिदुष्टासु बोध्यम्। **च भरणमात्रमिति**। भरणमात्रं चेत्यर्थः। **मानवे** एवकारस्य पूर्वत्राप्यन्वयः। वाशब्दः समविकल्पे इत्याह। **पितुर्वा भ्रातुर्वेति**। मन्वन्तरमेवाह। **तथेति**।

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१ फ–कुर्वन्ती। २ फ–ख–इत्यादिवत् ङीप्।

धनसम्बन्धात् केवलं 'पत्नी दुहितर' इत्यनेन पत्न्या धनसम्बन्धोक्तिरयुक्ता। अथ तत्रापि नियोगोत्पन्नः पुत्रः प्रधानमित्युच्यते तथापि द्वितीयपक्षोक्तदोष एव। पुत्रस्यैव धनसम्बधादिति सर्वथोक्तदोषतो न मुक्तिरिति।

तत्र द्वितीयपक्षोक्तदोषोद्धारेण तं समर्थयन् शङ्कते। **अथ स्त्रीणामिति**। अयं भावः। स्त्रीणां सामान्येन भर्तृद्वारा पुत्रद्वारा वा धनसम्बन्धो न साक्षात्। 'न स्त्री स्वातन्त्र्यमर्हतीति' वचनात्। तथा च भर्तृपुत्ररहितायास्तदभावप्राप्तौ भर्त्रभावे नियोगेनैव पुत्रसिद्धेस्तस्यास्तद्द्वारा धनसम्बन्धबोधकं पत्नीति अस्मदुक्तव्यवस्थायामवश्याश्रयणीयायामेतदारम्भः सार्थक इति नोक्तदोष इति।

मनुमाह। **अध्यग्नीति**। अध्यग्नि विवाहेऽग्निसमीपे लब्धम्। अध्यावहनिकं, द्विरागमने शिबिकाद्यावहनकाले यल्लब्धम्। तथा च **कात्यायनः**—

"यत्पुनर्लभते नारी नीयमाना पितुर्गृहात्। अध्यावहनिकं नाम स्त्रीधनं तदुदाहृतम्"॥ इति।

इदं सर्वमग्रे स्फुटीभविष्यति। भ्रातृमातृपित्रित्यत्र मध्यमपदलोपिसमासद्वयम्। आदिपदग्राह्यमपि अग्रे एव व्यक्तम्। **विरोधादिति**। तदुभयद्वारं विनाऽपि उत्तरार्द्धेन अन्यथा तत्सम्बन्धस्य तेन प्रतिपादनादित्यर्थः।

उक्तदोषोऽपि तदवस्थ एवेत्याह। **किं चेति**। **सर्वेति**। मुख्यगौणेत्यर्थः। **तत्र** आरब्धे पत्नीति वाक्ये। **नियुक्ताया इति**। पुत्रद्वारेति भावः। स च पुत्रः क्षेत्रज एवेत्याह। **क्षेत्रजस्यैवेति**। **स च**, आरब्धपत्नीतिप्रतिपाद्यार्थः। **प्रागेव**। 'औरसो धर्मपत्नीज' इत्यत्रैव। **अपुत्रेति**। अपुत्रसम्बन्धिधनग्राहिप्रकरणे इत्यर्थः। पौनरुक्त्यापत्तेरिति भावः।

द्वितीयहेतुनिरासायोक्तार्थस्योक्तं वाचनिकत्वं दोषसुकरतायै तद्वचनगत्यन्तराय च अनुवदति। **अथ पिण्डेति**। 'न ही' त्यस्य प्रतीयते इत्यत्रान्वयः। **हि** यतः। 'स्त्रीधन' मित्यत्र स्त्रीति पदं भिन्नं कर्त्री च सा। अनपत्यस्य धनं स्त्री गृह्णीयादित्यर्थः।

एतेन स्त्री चेति पाठं धृत्वा "द्विजातीनां केवलशूद्राभार्याविषयमिदं, तस्य धनं सपिण्डाद्याः प्रत्यासत्तिक्रमेण भजेरन् स्त्री च, सपिण्डादितस्तस्याः पृथगुक्तेरर्द्धं तेऽर्धं स्त्रीति तदर्थः। स्त्रीग्रहणादिदं शूद्रापरमेवान्यासां पत्नीत्वात्" इति **भ्रान्तो**क्तमपास्तम्। **मूलाशुद्धेः**, उपक्रमविरोधात्, तस्याधिकारिप्रदर्शनमात्रपरत्वाच्च।

धर्मान्तरोपदेश इति। प्रतीयते इत्यस्यानुषङ्गः। हेतौ। हेतुमाह। **वाशब्देति**। निपातानामनेकार्थत्वमपि लिङ्गानुशासनानुरोध्येवेति भावः। अयं भावः। ते धनभाजः स्त्री वा तथेत्युक्त्वा तस्या गतभर्तृकाया अन्यधर्मद्वयोपदेशं चिकीर्षुरेकं धर्ममुक्तवान्, 'सा स्त्री बीजं वा लिप्सेतेति'। नियोगधर्मेण पुत्रमपेक्षेतेत्यर्थः। अत्र **वा**शब्दो न यद्यर्थः। मानाभावात्। किंतु विकल्पार्थः। स च पक्षान्तरापेक्षया। तदेव द्वितीयो धर्मः। स च वचने साक्षादश्रुतोऽपि वाशब्दबलात्स्मृत्यन्तरानुरोधाच्च नियोगेन पुत्राभिलाषरूपोपात्तपक्षप्रतियोगी संयतत्वरूपो धर्म इति ज्ञायते। तथा च नियोगात् पुत्रमपेक्षेत वा, संयता वा भवेदिति धनभजनम्, अर्थतोऽन्यधर्मद्वयोपदेश इति।

एवं तदीयहेतुद्वयं संखण्ड्य दोषान्तरमाह। **अपि चेति**। तदयोग्यतासूचकं विशेषणं **स्मृतीति**। तत्र हेतुमाह। **अपुत्रेति**। यत इति शेषः। तत्पिण्डमित्यतो ऽनुषज्यमानेन तच्छब्देन

भर्तृपरामर्शात् भर्तुः कृत्स्नमंशं पत्नी लभते न तु स्वांशं कृत्स्नमित्यर्थः । **कृत्स्नं** स्थावरं जङ्गमं च ।

अत एव **बृहस्पतिः**—

"जङ्गमं स्थावरं हेम कुप्यं धान्यं रसाम्बरम् । आदाय दापयेच्छ्राद्धं मासषाण्मासिकादिकम् ॥
"पितृव्यगुरुदौहित्रान् भर्तुः स्वस्रीयमातुलान् । पूजयेत्कव्यपूर्ताभ्यां वृद्धांश्चाप्यतिथीन् स्त्रियः ॥
"सपिण्डा बान्धवा ये तु तस्याः स्युः परिपन्थिनः। हिंस्युर्धनानि तान् राजा चौरदण्डेन घातयेत्" ॥ इति।

क्वचित् स्थावरेऽपवादमाह स एव—

"यद्विभक्ते धनं किंचिदाध्यादिविविधिसम्भवम् । तज्जाया स्थावरं मुक्त्वा लभते गतभर्तृका" ॥ इति ।

एवं च तत्स्थावरं विभक्तस्यापि भ्रातुरेव न पत्न्याः । इदमपि वचनं वक्ष्यमाणसिद्धान्ताद्यंश-साधकं बोध्यम् । एतेन "इदमविभक्तस्थावरविषयं, वृत्तहीनपत्नीविषयं वा, दुहितृरहितपत्नीविषयं वा, दायादानुमतिं विना स्थावरदानविक्रयादिनिषेधपरं वा" इति परास्तम् । आद्यान्त्ययोर्वचन-विरोधात् । मानाभावस्यान्ययोः सत्त्वात् ।

"**मृते** भर्तरि भर्त्रंशं लभते कुलपालिका । यावज्जीवं न हि स्वाम्यं दानाधमनविक्रये ॥"

इति **कातीयं** तु नियुक्तान्यविषयकमिति[1] बोध्यम् ।

"धनं य" इति "कनीयान्" इति च पूर्वोक्त**मनु**द्वयस्य तात्पर्यान्तरं स्फुटमेव, न भव-दुक्तं, मन्वन्तरविरोधादिति ध्वनयन्, तस्याः स्मृतिनिन्दितत्वं प्रतिपादयन्, तत्र दोषान्तरं तदुक्तमेवाह। **तथेति** । नियोगो निन्दितश्चेत्यर्थः । आदिपदग्राह्यव्याख्यानं च पूर्वं स्फुटम् । तयोस्तात्पर्यं[2] त्वित्थम् । तत्र विभक्तधनस्य भ्रातुरभावे विधिरुक्तो "धनं य" इति । तत्र पूर्वतो विशेष उक्तः "सोऽपत्यम्" इति । नियोगधर्मेणेति भावः । तस्यैवेति सम्बन्धसामान्ये षष्ठी । तदीयमाता एव-कारव्यवच्छेद्या । अनेन च पुत्रसत्त्वे स्त्रीणां भरणार्हता, न तु पतिधनसम्बन्ध इति सूचितम् । एवं कनीयानित्यपि अविभक्तस्य श्रेष्ठस्य नियोगधर्मेण पितृवत्सोद्धारेंऽशे प्राप्ते तन्निवृत्त्यर्थं, समो विभागः स्यान्नोद्धारं न वाऽधिकं हरेज्ज्येष्ठः, नापि यत्किंचिदेव देयम्, अपि तु उत्पादकेन पितृव्येण कनी-यसा समः स्यादिति ।

इत्थं हि गूढाकूतम् । **मनु**नैव नियोगस्य निन्दिततत्वात्तत्परिहारः सुकर इति व्याख्यातृबुद्धि-परीक्षार्थं स्वाभिमतार्थं तस्यार्थं क्रमप्राप्तमदर्शयित्वैव वचनान्तराणि स्वेष्टार्थपरत्वेन दर्शितानि । परिहारस्त्वेवम्—

"अन्यस्मिन् हि नियुञ्जाना धर्मं हन्युः सनातनम् ।"

इत्यादिना विधवायां नियोगस्य निन्दितत्वादवश्यं नियोगेन विभक्तधनभ्रातृजायायां पुत्र-मुत्पाद्य तद्धनं तस्यैव देयमिति न नियम्यते तेन वाक्येन, अपि तु "न स्त्री स्वातन्त्र्यमर्हतीति" **मनुना** स्त्रीणामेकाकितयाऽवस्थानं निषिद्धमिति देवरगृहे स्थितौ कृतायां स्त्रीणामप्रगल्भत्वेन तद्धन-रक्षणे च देवरेण क्रियमाणे सन्ततिलोभात् सा स्त्री शास्त्रसिद्धत्वाद्गर्हितमपि नियोगं यद्यनुमन्यते

१ ख—मूलोक्तान्यविषयकामिति । फ—क—प्रोक्तान्यविषयकामिति। २ 'धनं य' इत्यस्य 'कनीयानि'त्यस्य चेत्यर्थः ।

तदा ऽपत्ये उत्पन्ने देवरेण धनलोभो न कार्यस्तस्यैव तद्धनं दद्यात्, नापि तन्मात्रे अत एव बिभृयादिति धारणपोषणवाचिनो भृञ उक्तिरिति।

तेन तदग्रे तद्वत् साधकत्वेनोक्त**वसिष्ठ**तात्पर्यमाह। **यत्त्विति। तत्** अविभक्ते इति। पक्षद्वयमिदम्। **तस्याः** तत्पत्न्याः। **नास्ति,** उक्तयुक्तेः। **इति**र्हेतौ। स च सम्बन्धेऽन्वेति। स्वस्य तदभावेऽपि स्वापत्यस्य स भवत्विति लोभान्नियोगो नापेक्षणीय इति भावः।

अग्रिमयुक्तिं खण्डयति। **तदपीति। प्रस्तुतत्वात्,** तानुपक्रम्य भ्रातॄणामित्यादेरुक्तत्वात्। तथा चोपक्रमानुरोधेन तादृशस्य भ्रातुर्धनमितरे संसृष्टिनो भ्रातर एव गृह्णीयुरिति भावः। अत एवाह। **तत्स्त्रीणामिति।** मात्रपदेन कृत्स्नधनसम्बन्धव्यवच्छेदः।

उक्ताशयेनैव शङ्कते। **न चेति। पौनरुक्त्यमिति।** उभयोरेकार्थबोधकत्वात्। **यत इति।** पूर्वं संग्रहेण कथितमग्रे विवृण्वता तेन वाक्यद्वयेन स्त्रीधनमविभाज्यमिति तासां भरणमात्रं कार्यमिति चार्थद्वयं विधीयते, न केवलं पूर्वोक्तमेव कथ्यते। येन पौनरुक्त्यं स्यात्। तत्र भ्रातॄणामित्यादिना विवरणं, स्त्रीधनं विनेति तस्याविभाज्यत्वविधिः, उत्तरेणेतरविधिरिति भावः। एतेन "सवर्णाभावे त्वनन्तरया चापदि न त्वेव द्विजः शूद्रया" इति **विष्णू**क्तेः परिणीतात्वेऽप्यपत्नीत्वात्तद्विषयं **नारद**वचनम्, अत एव तत्र पत्नीशब्दस्तत्र स्त्रीशब्द इति" **प्राच्यो**क्तमपास्तम्। **उक्तरीत्योपपत्तेः।** 'किलेति' सूचितं **योगीश्वरो**क्तेर्वक्ष्यमाणं स्वेष्टार्थमाह। **यदपीति।**[1]

चरमदोषं खण्डयति। **यत्त्विति। जातस्य** तत्समूहस्य। ननु यज्ञशब्दो धर्ममात्रोपलक्षको न यज्ञवाचक इति दानहोमादिसिद्ध्या हेत्वसिद्धिरिति शङ्कते। **अथेति।** देवतोद्देशेन द्रव्यत्यागो वैधे आधारे सवषट्कारो यागः। स एवावषट्कारो होमः। स्वत्वनिवृत्तिपूर्वकपरस्वत्वापादनं दानमिति यागहोमदानानां भेदः। **एवं तर्हि,** धर्ममात्रे एव धनस्योपयोगे सति। धनसाधनकः[2] कृषिवाणिज्यादिलभ्योऽर्थः। तादृशः स्रक्चन्दनादिविषयः कामः। इष्टापत्तावाह। **तथा सतीति।** मूलोक्तिमाह। **धर्ममिति। गौतमो**क्तिमाह। **तथा न पूर्वाह्णेति।** धर्मार्थकामेभ्यो यथाशक्ति पूर्वाह्णमध्यन्दिनापराह्णानफलान्न कुर्यादित्यर्थः। **मनू**क्तिमाह। **न तथैतानीति।**

"इन्द्रियाणां विचरतां विषयेष्वपहारिषु। संयमे यत्नमातिष्ठेत्।" (**मनु.** अ. २। **श्लो.** ८८)

इतीन्द्रियसंयमं प्रक्रम्य—

"प्रापणात्सर्वकामानां परित्यागो विशिष्यते।" (अ. २।९५)

"न तथैतानि शक्यन्ते सन्नियन्तुमसेवया।" (अ. २।९६)

इत्युक्तं **मनु**ना। अस्यार्थः। तेषां तद्विषयके संयमे सर्वभोगाणां प्रापणादुपभोगात् तद्धेतुकपरित्यागो विशिष्यते। समीचीन उत्तम इति यावत्। यतः एतानि विषयासक्त्या दोषजनकानीन्द्रियाणि असेवया स्रगादिविषयानुपभोगेन तथा संनियन्तुं सम्यक् नियन्तुं न शक्यन्ते यथा विषयोपभोगेन। विषयोपभोगेन यथा तद्गतदोषविज्ञानं तथा विषयानुपभोगेन नेति अनिषिद्धविषयोपभोगस्य वैराग्योत्पादकत्वेन कर्तव्यत्वादर्थकामाववश्यं साधनीयावित्येतत्प्रतिपादकवचनजातविरोध इति भावः।

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१ क-यदपीति। २ क-धनसाधनसाधकः।

दोषान्तरमाह । **अपि चेति । भार्यमितीति** । विहितस्येति शेषः । **क्रत्वर्थता,** पूर्वपक्ष्युक्त्यादिः । **उक्तं** सिद्धान्तिना । **तत्प्रत्युद्धृतं** विघटितं विपरीतोक्तमिति यावत् ।

अयं भावः—तृतीयाध्यायचतुर्थपादैकादशाधिकरणम् । "अप्रकरणे तु तद्धर्मस्ततो विशेषात् ।" (**जैमिनीये** ३। ४। ११) अनारभ्य श्रूयते, तस्मात् सुवर्णं हिरण्यं भार्यं दुर्वर्णोऽस्य भ्रातृव्यो भवतीति । तत्र संशयः—किमिदं हिरण्यधारणं क्रत्वङ्गतया विधीयते, उत क्रतुगतहिरण्यानुवादेन धारणसंस्कारो विधीयते, उत हिरण्यं हस्ते भवतीति विहितं यद्धारणं तदनुवादेन सुवर्णता शोभनवर्णतारूपो गुणो विधीयते यद्धिरण्यं भार्यं तत्सुवर्णमिति, उत हिरण्यधारणं पुरुषार्थतया विधीयते इति ।

पूर्वपक्षस्तु—हिरण्यविशिष्टं धारणं यद्यपि विधीयते तथापि तस्य फलापेक्षायामस्य धारणस्य वेदवाक्यविहितत्वेन वैदिकत्वात्क्रियारूपत्वाच्च वैदिकदर्शपूर्णमासादिसाम्यात् फलवद्वैदिकं कर्म बुद्धिस्थं भवति । ततश्च तत्रैव वैदिके कर्मणि प्रयाजादिवदारादुपकारं कुर्वत् क्रत्वङ्गं धारणं भविष्यति । एतावतैव फलाकांक्षानिवृत्तेः स्वर्गादिफलकल्पना न युक्ते**त्येकः** ।

'हिरण्यं भार्य'मित्यत्र कृत्यप्रत्ययेन धारणविधानात् तत्कर्मणो हिरण्यस्य कृत्यश्रुत्या प्राधान्यप्रतीतेर्धारणं संस्कारो व्रीहीन् प्रोक्षतीत्यत्र प्रोक्षणमिव । ' भूतभाव्युपयोगं हि द्रव्यं संस्कारमर्हतीति ' न्यायेनोपयुक्तस्योपयोक्ष्यमाणस्य वा संस्कारः कार्यः । उपयोगश्च प्रयोजनवत एव, निष्फलस्य लौकिकसुवर्णस्य धारणसंस्कारायोगात् क्रतुगतहिरण्यानुवादेन धारणसंस्कारविधानमिति प्रयाजादिवन्नारादुपकारकमंगम्, अपि तु प्रोक्षणादिवत्संस्कारकर्मे**त्यपरः** ।

क्रतुगतं हिरण्यं तद्धारणं चानूद्य लाघवात्सुवर्णमिति शोभनवर्णता विधीयते **इत्यन्यः ।**

एवं त्रेधाऽपि तावत् क्रत्वर्थमिति प्राप्ते उच्यते । यदुक्तं वैदिकत्वक्रियात्वसाम्यात्क्रतुरुपतिष्ठते फलाकांक्षायामिति । नैष नियमो घटते । यतः स्वर्गाद्युत्पत्तेरपि क्रियात्वात् ' दर्शपूर्णमासाभ्यां स्वर्गकामो यजेते'त्यादिषु स्वर्गादेः कर्तृसम्बन्धितयोक्तेर्वैदिकत्वाच्च स्वर्गाद्युत्पत्तिं क्रतुं चोभयमुपस्थापयति वैदिकत्वं क्रियात्वं चेति हेतुद्वयं, न नियमतः क्रतुमेव, येन विशिष्टविधिपक्षेऽपि क्रत्वर्थता स्यात् । लोकेऽपि हिरण्यसत्त्वान्न क्रतुगतहिरण्यप्रतीतिः । न हि धारणं धार्यमाणसंस्कारः । अदृष्टार्थत्वेनापि धारणोपपत्तेः । कृत्यप्रत्ययश्च कर्मत्वं साध्यतामात्रं वाऽऽह न प्राधान्यम् । अनीप्सितकर्मणोऽपि विद्यमानत्वात् । अत एव धारणानुवादेन न सुवर्णतारूपगुणविधिः । क्रतुधारणाप्रतीतेः लोकेऽपि धारणसंभवात् । अतो न सर्वथा क्रत्वर्थं सुवर्णधारणम् । विधिवशाच्चावश्यं फलेन भवितव्यम् । तच्च फलमर्थवादाभावे विश्वजिन्न्यायेन स्वर्गः, तत्सत्त्वे तु रात्रिसत्रन्यायेन तद्गतमेव । अत्र तु ' दुर्वर्णोऽस्य भ्रातृव्यो भवतीति' श्रवणात् भ्रातृव्यस्य दुर्वर्णत्वमात्मनश्च शोभनरूपतैव फलमिति पुरुषार्थमेव हिरण्यधारणमिति **सिद्धान्त** इति ।

दोषान्तरमाह । **किं च यद्वेति । पूर्वं** तडागारामादि ।

पूर्वोक्त**मनु**तात्पर्यशरीरघटकत्वेनोपस्थितमन्वतरविरोधमपि परिहरति । **यत्तु पारतन्त्र्येति ।**
(**मनु.** अ. ९।३)
" पिता रक्षति कौमारे भर्ता रक्षति यौवने । रक्षन्ति स्थविरे पुत्राः " इति वाक्यादिः ।

आदिना 'कालेऽदाता पिता वाच्य' इत्यादितदग्रिममनुग्रहणम् । **तदस्त्विति** । पारतन्त्र्यमेकाकीभूत्वाऽनवस्थितिरिति तथा स्वस्य पत्युर्धनग्रहेऽपि न विरोध इति भावः ।

एवं चरमसाधकखण्डने तत्साधकत्वेनोक्तवचनानामन्याशयत्वं शङ्कापूर्वकमाह । **कथं तर्हि इत्यादिना** । सर्वं वाक्यमिति न्यायेनाह । **यज्ञार्थमेवेति** । यज्ञार्थमिति वचने द्रव्यं यज्ञार्थं उत्पन्नमिति न विधिः, किं तु यागभिक्षयाऽवनिपतिगमनेन यज्ञार्थमेव तदुद्देशेनैव यत् द्रव्यमुत्पन्नं तत् द्रव्यं तेन यज्ञे एव नियोक्तव्यं, लोभादिना तेन तत्र विनियोगेऽकृतेऽपि तत्पुत्रादिभिरपि धर्मकार्येष्वेव नियोक्तव्यमिति सर्वथा 'धर्मार्थमर्जितं द्रव्यं धर्मे एव नियोक्तव्यमिति' विधीयते । अत एव धर्मेऽनधिकृतैस्तत् द्रव्यं न ग्राह्यम् । धर्मकरणेऽधिकाराभावात् । अत एव च ते ग्रासाच्छादनमात्रभाजना इति तदर्थ इति भावः । अपिनाऽर्जकपरिग्रहः ।

अत्र मानं **मनु**मेवाह । **यज्ञार्थमिति** । 'यज्ञार्थं लब्धमिति' **मानवे** अर्जकनामग्रहणं विना सामान्यत उक्त्या 'अनारभ्याधीयीत नानृतं वदेत्' इतिवत्पुरुषमात्रोद्देशेन तस्य प्रवृत्त्याऽर्जकस्य तत्पुत्रादीनां च धर्मार्थद्रव्यस्य धर्मकृत्येष्वविनियोगे दोष इति भावः ।

पूर्वप्रसङ्गोपस्थितकात्यायनविरोधमपि परिहरति । **यदपीति** । विरोधप्रकटतायै व्यत्यस्तपदोक्त्या असम्बद्धत्वनिरासाय च तदर्थमाह । **अदायिकमिति** । दायिके मत्वर्थीयष्ठन् । ततो बहुव्रीहिः । दायग्राहकशून्यमित्यर्थः । तदाह । **दायादेति** । तत्पदोक्तेराह । **यदिति** । अनेन श्रोत्रियेभ्यस्तदर्पयेदिति पाठः सूचितः । वक्ष्यमाणात्तु श्रोत्रियायोपपादयेदिति पाठो लभ्यते । तत्र उपेत्यादेः प्रापयेदित्यर्थः । तदाऽत्रोभयमध्याहारलभ्यम् । तत्र च जातावेकवचनमिति बोध्यम् । वृत्तिपदार्थमाह । **अशनेति** । योषितोऽत्रैव सम्बन्धो नाग्रेऽपीति भावः । द्वितीयार्धशेषार्थमस्यैवाह । **अस्यापवादमिति** । तदनुवृत्तेराह । **योषिदिति** । तथा च स्त्रीणामशनादिपर्याप्तधनसम्बन्ध एव न सकलधनसम्बन्ध इति तदभिमतमिति तद्विरोधोऽसम्बद्धतानिरासश्च स्पष्ट एवेति भावः । एवं तदर्थं व्याख्याय अथ तं परिहरति । **एतदपीति** । प्रक्रान्तमपीत्यर्थः । तत्र बीजमाह । **योषिदिति** ।

नारदान्तरविरोधमपि तथैव परिहरति । **नारदेति** । इति **नारद**वचनमप्यवरुद्धस्त्रीविषयमेवेत्यर्थः । तदेवाह । **अन्यत्रेति** । अन्यत्र ब्राह्मणादिति पूर्वान्वयि ।

तथा च पूर्वपद्यम् (अ. १३ श्लो. ५१)

" अभावे दुहितॄणां वै सकुल्या बान्धवास्तथा । ततः सजात्याः सर्वेषामभावे राजगामि तत् "॥ इति ।

तथा च सर्वेषामभावे ब्राह्मणात्तदीयधनादन्यत्र तत् धनं राजगामि, किं तु धर्मपरायणो राजा तत्रापि तत्स्त्रीणां जीवनं दद्यादित्याद्यर्थः । **बृहस्पतिरप्येवम्** । जीवनपदार्थश्च—

बृहस्पतिनैव तदग्रे उक्तः,

" अन्नार्थं तन्दुलप्रस्थमपराह्णे तु सेन्धनम् । वसनं त्रिपणक्रीतं देयमेकं त्रिमासतः ॥

" एतावदेव साध्वीनां चोदितं विधवाधनम् । वसनस्याशनस्यैव तथैव रजकस्य च ॥

" धनं व्यपोह्य तच्छिष्टं दायादानां प्रकल्पयेत् । " इति ।

साध्वीनामित्युक्त्याऽसाध्वीनां तदपि नेति सूचितम् । एतेनान्यत्र ब्राह्मणादिति **बृहस्पतिः ।** क्षत्रियादिपरिणीतशूद्राविषय इति **भ्रान्तो**क्तमपास्तम् । एवं च सामान्यतः परिणीतशूद्राविषयकमपीदं द्वेयम् । तस्या अप्यपत्नीत्वात् । तथा चावरुद्धग्रहणं पत्नीत्वाभाववदुपलक्षणम् । तथा च यत्र पत्नीत्वाभावः पुनर्भ्वादावपि तत्र सर्वत्र इदमेव । एतदभिप्रायक एव **प्रजापति**रपि—

"आढकं भर्तृहीनाया दद्यादाभरणं स्त्रियाः" । इति ।

ऊढाया इति । श्रौतकर्मसु पाणिग्रहणपूर्वकसहाधिकारवत्या एवेत्यर्थः । **नारदा**येकवाक्यतयाऽह । **संयताया इति । देवल**वाक्ये यथाक्रममित्यस्य न स्वपाठक्रमेणेत्यर्थोऽपि तु मूल**विष्णवा**द्युक्तक्रमेणेत्यर्थ इति न तद्विरोधोऽपि । सोदरासोदरत्वकृताविशेषस्तु प्रागुक्तबृहस्पतिपराहत एव ।

एवं तदीयपक्षं संदूष्य स्वाभिमतमर्थमुपसंहरन्नेवाह । **तस्मादिति । पत्नीति ।** संयतेत्यादिः । कृत्स्नमित्यग्रे शेषः । ननूक्तस्यैवोपसंहारो युक्त इति अस्यार्थस्य 'पत्नी दुहितर' इत्यत्रानुक्तत्वात्कथमयमुपसंहार इति चेन्न, सकलवाक्यानां सर्वत्र स्वेतरवाक्याविरोधेनैव प्रवृत्तेर्न्याय्यत्वात्तदुक्तवक्ष्यमाणानुसन्धानेनास्यार्थस्य लाभादुक्तोपसंहारात् । तदेतत् ध्वनयन् उक्तं स्मारयन् वक्ष्यमाणमाह । **विभागस्येत्यादि ।** एतेन तस्याश्रुतत्वेऽपि प्रस्तुतत्वेनाप्रस्तुतत्वदोषनिरासः सूचितः । साक्षादपवादविषयपरिहारेणैवोत्सर्गप्रवृत्तेर्न्याय्यत्वात् । अन्यथाऽप्रामाण्याद्यापत्तेः ।

एतेन, वक्ष्यमाणदोषेण । **अल्पेति ।** यद्यल्पं धनं तदा तस्य तत् प्रथमं पत्नी गृह्णीयादिति पत्नीतिमूलतात्पर्यमित्यर्थः । निरसनप्रकारमेवाह । **तथाहीत्यादि । जीवदिति ।** पत्यौ जीवति मृते चेत्यर्थः । **उक्तं** मूलकृता । तदेव क्रमेणाह । **यदीत्यादि । व्यामोहेति ।** यदा पुत्रे सति तत्र जीवति मृते च तत्समांशभाक्त्वं न भरणमात्रपर्याप्तभाक्त्वं तस्याः, तदा किमु वक्तव्यमपुत्रस्य तस्य धनं सा सर्वं प्राप्नोतीति, कैमुतिकन्यायेनैव तस्याः सकलधनभाक्त्वासिद्धे ग्रासाच्छादनातिरिक्तं न प्राप्नोतीत्युक्तिर्भ्रान्तिवेत्यर्थः ।

किं चान्यपुत्रसत्त्वेंऽशग्रहणाधिकारिणा पुत्रान्तराभावे सकलरिक्थग्रहणाधिकारिणा पुत्रेण सह समांशभाक्त्वस्योक्तत्वात्पुत्राद्यभावे विभक्तादेस्तस्य सा सर्वं गृह्णातीति युक्तियुक्तमपि इदमिति तत् उपेक्ष्यमेवेति बोध्यम् ।

समांशकादिशब्दोऽपि जीवनोपयुक्तधनोपलक्षक इति न विरोध इत्याशयेनाह । **अथेति ।** अंशशब्दस्य कथंचित्सार्थक्येऽप्याह । **समेति ।** भागतुल्यतयोरंशसमशब्दौ लोकप्रसिद्धौ । तयोर्निष्फलं स्वार्थत्यागोऽनुचित इति आनर्थक्यमिति भावः ।

ननु तयोः शब्दयोः पक्षे स्वार्थपरत्वान्न सर्वात्मनाऽऽनर्थक्यमिति विशेषमाशङ्कते । **स्यान्मतमिति । बहु** विपुलम् । कर्मधारयः । खण्डयति **तच्च नेति ।** विधिवैषम्यमेवाह । **तथाहीति ।** पत्यौ जीवति मृते वा पुत्रैः सह विभागकाले इति शेषः । **वाक्यान्तरमिति ।** 'भरणं चास्य कुर्वीरन्'इत्यादीत्यर्थः । **प्रतिपादयतीति ।** विधत्ते इत्यर्थः । पत्न्यामिति भावः । **प्रतिपादयतीति इति ।** तथा च सकृदुच्चरितमेकमेव वचनं पक्षे सापेक्षं पक्षे निरपेक्षमित्येकरूपत्वाभावाद्विधिवैषम्यमिति भावः ।

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१ अदायिकमिति कात्यायनबृहस्पतिभ्यामुक्तम् । अन्यत्रब्राह्मणादिति नारदोक्तं चेत्यर्थः ।

अत्रार्थे दृष्टान्ततया मानं दर्शयन् अस्य न्यायस्योपपादकमधिकरणं संगृह्य दर्शयति । **यथा चातुर्मास्येष्वित्यादिना** । सप्तमतृतीयपादाष्टमाधिकरणम् । 'सौमिकं तु प्रणयनमवाच्यं हीतरत् ।' सोमे सधर्मकमग्निप्रणयनं, दर्शपूर्णमासयोश्चाधर्मकं तत् । अग्निप्रणयनं नाम गार्हपत्यादाहवनीयादिष्वग्निनयनम् । उत्तरवेदिश्च सोमे एव न दर्शपूर्णमासयोः एवं प्रयोगस्थितिः । एवं स्थिते चातुर्मास्यस्थचतुष्कर्मसु वैश्वदेववरुणप्रघाससाकमेधशुनासीरीयाख्येषु श्रूयते "द्वयोः प्रणयन्ति तस्मात् द्वाभ्यां यन्ति उरू वा एते यज्ञस्य यद्वरुणप्रघासश्च साकमेधश्च" इति । तत्राद्यं द्वयोश्चातुर्मास्यपर्वणोः अग्निप्रणयनविधायकं, तस्मादित्यादिकं तदर्थवादवाक्यम् । तत्र संशयः । किं सौमिकप्रणयनवत्प्रणयनविधिरुत प्रणयनमात्रविधिरिति ।

तत्र पूर्वपक्षः । आद्यपक्ष एव युक्तः । द्वितीये प्रकृतिवदित्यतिदेशत एव प्रकृतिभूतदर्शपूर्णमासतः प्रणयनमात्रस्य प्राप्त्या तद्विध्यानर्थक्यापत्तेः । न च चोदकप्राप्तप्रणयनस्यानुवादकमेव तदस्तु किमर्थं विधानमिति वाच्यम् । प्रणयन्तीतिविधिप्रत्ययबलाद्विधेयत्वप्रतीतेः । किं च "न वैश्वदेवे उत्तरवेदिमुपकिरन्ति न शुनासीरिये" इति वाक्यद्वयेन तयोः पर्वणोरुत्तरवेदिप्रतिषेधः प्राप्तिसापेक्षो यतः स्वमते उपपद्यते । आद्यपक्षे हि सौमिकवदित्यतिदेशप्रतीत्या तत्रत्यसकलधर्मप्राप्तौ उत्तरवेदेरपि प्राप्तत्वात् । द्वितीये तु प्रकृतावेवोत्तरवेदेरभावात्तत्प्रणयनप्राप्तावपि उत्तरवेदिप्राप्त्यभावेन "न वैश्वदेवे" इत्यादिप्रतिषेधासङ्गतिः स्पष्टैव । तस्मात्स प्रतिषेधोऽपि सौमिकवत्प्रणयनविधाने हेतुरिति पूर्वपक्ष्याशयः । तदाह । **द्वयोः प्रणयन्तीत्यादिना दर्शिते इत्यन्तेन** । उपकिरतीति पाठान्तरम् ।

नन्विदमयुक्तं, प्रकारान्तरेण निषेधसाफल्ये तथैव स्वीकारे दुराग्रहमात्रत्वात् । तथाहि । प्रतिशेषस्य प्राप्तिसापेक्षत्वेऽपि न त्वदुक्तरीत्या प्राप्तिः । तत्प्रकारं विनाऽपि चातुर्मास्यप्रकरणपठितेनैव उपात्र वपन्तीत्यनेनोत्तरवेदेर्विधानात्तल्लब्धोत्तरवेदेराद्यन्तपर्वणोर्निषेधकमुक्तवाक्यद्वयमिति तदुपपत्त्या सौमिकप्रणयनातिदेशः पूर्वपक्ष्युक्तो न घटते इति चेत्, तदेवाह । **राद्धान्तैकेत्याद्यभिहित इत्यन्तेन** । पूर्वपक्षमततिरस्कारकत्वात्सिद्धान्तित्वात्सिद्धत्वं, स्वोक्तेरप्ययुक्तत्वस्य तेनैव वक्ष्यमाणत्वादेकदेशित्वम् । **उपात्रेति** । अत्र चातुर्मास्येषु उपवपन्ति वेदिम् उपकिरन्तीत्यर्थः । **प्राकरणिकेनेति** । चातुर्मास्यप्रकरणपठितेनेत्यर्थः ।

नन्विदमप्ययुक्तं, विधिवैषम्यापत्तेः। तथाहि । उपात्रेति वाक्यं चातुर्मास्यपरमा पूर्वशेषतयोत्तरवेदिं विदधत् पर्वचतुष्टयेऽप्यविशेषेण तां विधत्ते । 'न वैश्वे'त्यादिवाक्यद्वयं तु पर्वद्वये निषेधकम् । तथा च तद्विधिनिषेधयोर्द्वयोरपि वाक्यप्रमितत्वेन वाचनिकत्वाविशेषात् तुल्यत्वेन विकल्पः प्राप्नोति । स चेत्थम्, उपात्रेति वाक्यं आद्यन्त्यपर्वणोर्यदा न वैश्वेत्यादिवाक्यद्वयमपेक्ष्य तेन प्राप्तस्य निषेधद्वयार्थस्यानुष्ठानाभावस्तदैव पक्षे तदपेक्ष्योत्तरवेदिं विधत्ते ऽन्यथा न, मध्यमपर्वणोस्तु निषेधवाक्यानपेक्ष्यैव नित्यवत् तां विधत्ते । तथा च द्वयोर्वाक्यान्तरानपेक्षतयोत्तरवेदिविधिर्द्वयोर्वाक्यन्तरसापेक्षतया पक्षे विधिरिति सकृच्छ्रुतवाक्यमेकत्र पक्षे प्राप्तमेकत्र नित्यवदिति एकरूपप्रवृत्त्यभावाद्विधिवैषम्यापत्तिः । तस्मादगत्या पूर्वपक्ष्युक्तमेव युक्तमिति चेत्, तदेव स आह । **पुनःपूर्वेत्यादिना दर्शितमित्यन्तेन** । सिद्धान्त्येकदेशिमतानन्तरं मुख्यसिद्धान्त्युक्तिरुचितेति तद्भ्रान्तिनिरासाय पुनः पूर्वपक्षिणेत्युक्तम् । इतीति कर्तृ । **प्रतिषेधमिति** । 'न वैश्वे'त्यादिवाक्यद्वयप्राप्तम्। **निरपेक्षमिति** । प्रतिषेधेत्यादिः । नित्यताबोधकपदाभावादाह । **नित्यवदिति** ।

सिद्धान्तस्त्वित्थम्। विधिप्रत्ययश्रुतेः प्रणयनं तावद्विधेयमेव। तत्त्वादेव दार्शपौर्णमासिकप्रणयनादन्यदेतदिति गम्यते। न चैवं प्रणयनमात्रमेव, आतिदेशिकं न, किं त्वौपदेशिकमिति प्रवृत्तौ न कोऽपि विशेष इति वाच्यम्। तस्मादित्याद्यर्थवादस्य प्रणयनवाक्यैकवाक्यतया प्रामाण्योपपत्तिरित्यर्थवादबलेन मध्यमपर्वद्वये उत्तरवेदेरुपसंहारेणानुष्ठाने विशेषसत्त्वात्। तथा च द्वयोः प्रणयन्ति तस्मादित्यादेर्मध्यमपर्वद्वयघटितत्वेन तत्रैव प्रणयनविधिर्यत्र प्रणयनं तत्रैवोत्तरवेदिविधिरिति। उपात्रेत्युत्तरवेदिविधानमप्यर्थवादानुसारेण मध्यमपर्वणोरेव नाद्यन्तयोरिति तयोरुत्तरवेदिप्राप्त्यभावात् न वैश्वेत्यादिवाक्यद्वयमाद्यन्तयोः पर्वणोर्नित्यानुवादकम्। " नान्तरिक्षे न दिव्यग्निश्चेतव्य " इतिवत्। तथा च पर्वचतुष्टये उत्तरवेदिप्राप्तेरेवाभावाद्विधिवैषम्यमपि नास्त्येवेति प्रणयनान्तरविधिरेवेति। एतेनेदं प्रणयनविधानमाद्यन्तयोः पर्वणोरुत मध्यमयोरेवेति संशये न वैश्वेत्यादिना तत्प्रतिषेधादसत्यां प्राप्तौ प्रतिषेधानुपपत्त्याऽद्यन्तयोः प्रणयनं पूर्वपक्षे इत्यपि निरस्तम् इति। तदाह। **राद्धान्तेऽपीति**। अस्य दर्शितामित्यत्रान्वयः। **विधिवैषम्यभयादिति**। सिद्धान्त्येकदेशिमते इत्यादिः। **इत्याद्यर्थवादेति**। इति विधिरादिर्यस्य तस्मादित्याद्यर्थवादस्य तस्य पर्यालोचनयेत्यर्थः। तस्य मध्यमपर्वद्वयघटितत्वादिति भावः। तथा च यथा तत्र तन्मते विधिवैषम्यं दोषः तथा " पत्न्यः कार्याः " " माताऽप्यंशम् " इत्यत्र सकृच्छ्रुतावंशसमशब्दावपि भर्तुर्बहुधनपक्षे 'भरणश्चास्येत्यादि' वाक्यपर्यालोचनया जीवनोपयुक्तधनपरौ स्वल्पधने तु वाक्यान्तरनैरपेक्ष्येण नित्यवत्पुत्रांशसमांशपराविति **श्रीकरा**द्युक्तव्यवस्थायां विधिवैषम्यदोषो दुर्वार इति तात्पर्यम्।

पत्नीत्यस्य अन्यैरन्यथा कृतां व्यवस्थां खण्डयितुमाह। **यदपीत्यादिना पत्नीदुहितर इत्यारब्धमित्यन्तेन। तथा** तद्वत्। अत एव चशब्दासङ्गतिर्न। **मनुशंखयो**स्तात्पर्यार्थमाह। **अपुत्रस्य धनमिति**। यद्यपि मानवे पिता आदिस्तथापि तस्य क्रमाबोधकत्वेन तद्बोधकशंखेनान्यथा नयनम्, अत एव तस्यापि कथनमित्याशयेनाह। **भ्रात्रिति**। वचनाच्चेति **च**स्त्वर्थे। **नारद**तात्पर्यार्थमाह **भरणोपयुक्तमिति। एवं स्थिते,** उभयप्रामाण्यादपुत्रप्रमीतभ्रातृधनभाज इतरे भ्रातरः, स्त्र्यपि जीवनोपयुक्तं धनं लभते इत्येवं व्यवस्थिते। **भ्रातर इति**। इति द्वयमपि घटते इति शेषः। **मात्र**मवधारणे। **ततो न्यूनं वेति**। तज्जीवनायापि नालमित्यर्थः। अनयोः संग्रहस्तु बहुधनभिन्नत्वेनेति बोध्यम्। **पत्न्येवेति। नारदो**क्तेः। **भ्रातरोऽपीति। मनुशंखो**क्तेः। अपिना ततस्तस्याः समुच्चयः। **विरोधे** प्राप्ते सति तद्विषये एव तन्निवृत्त्यर्थमिति शेषः। **पूर्वेति**। पूर्वत्वं च मौलम्। तत्र विषये एवादौ पत्न्येव गृह्णातीति वक्तुं क्रमप्रतिपादकं **योगीश्वरेण** वचनं पत्नीत्यारब्धमित्यर्थः। सर्वथा पत्न्येवापुत्रभर्तृधनभागिनीति भावः।

खण्डयति। **तदप्यत्रेति। अत्र भगवान्** पूज्यः। **आचार्यो, विश्वरूपाचा**र्यः। **मनो**रन्यार्थत्वस्य तेन दर्शितत्वादित्यर्थः। तदेवाह। **यत इत्यादिना व्याचचक्षे इत्यन्तेन**। यत इत्यस्य व्याचचक्षे इत्यत्रान्वयः। यतस्तथाऽत इत्यर्थः। स एवेति भावः। **इति** इत्यत्र। विकल्पे एवेति विषयसप्तमी संबन्धिनस्तत्त्वविवक्षया। विकल्पस्यैवेति पाठान्तरम्। विकल्पस्मरणादित्यपि तथा। मात्रपदेन क्रमव्यवच्छेदः। **तच्च** अधिकारप्रदर्शनं च। आदिना दुहितृदौहित्रस्य मातुश्च परिग्रहः। अत एवाह। **गणे इति**। अयं भावः। दायग्रहणे पित्रादिक्रमप्रतिपादकं तन्न, येनोक्तव्यवस्था स्यात्,

१ ड-ख भागिनीनेति भावः।

अपि तु पित्रादयोऽपि धनग्रहणेऽधिकारिण इत्यधिकारप्रदर्शनपरम् । वाशब्देन विकल्पप्रतीतेः । समयोर्हि विकल्पः । पितुरभावेऽन्येऽधिकारिण इति क्रमविवक्षायां तु पितुः प्राधान्यप्रतीत्या तस्यान्येषां च साम्याभावाद्विकल्पासङ्गतिरेव । तस्याधिकारप्रदर्शनमात्रपरत्वे तु पत्नीं दुहितरं दौहित्रं मातरं च गणयित्वा पिता हरेदिति पित्रादिगणने कृते तस्याधिकारो घटत एवेति । तस्मात्तस्य तथोक्तिरयुक्तैवेति तात्पर्यार्थं **मूलशंख**वाक्यमपि तेनान्यथा व्याख्यातमित्याह । **शंखेति । संसृष्टेति ।** विभागानन्तरं पुनरपि स्नेहादिना एकीभूयस्थितभ्रातृविषयमित्यर्थः । 'इती'त्यस्य 'व्याचचक्षे' इत्यस्यानुषङ्गेणान्वयः । एवमप्यन्यथा प्रसक्तविरोधपरिहारस्त्वग्रे स्फुटीभविष्यति ।

स्वयं दोषान्तरमाह । **अपि चेति ।** यत इति शेषः । एवमग्रेऽपि । **अस्मात्** पत्नीदुहितर इत्यस्मात् । **न** केवलं तदननुमतत्वादि किन्तु दोषोऽपि प्रागुक्तस्तथा व्याख्याने इत्याह । **धनेति ।** अत एव **चः** किं चेत्यर्थे । व्युत्क्रमेण सर्वान्त्ये स बोध्यः । पत्न्यंशे तथाऽर्थे वाचनिकेऽपि तत्र स्त्रीत्वस्यैव त्वन्मते हेतुत्वस्याभिमतत्वेन तस्याविशेषेण युक्तितौल्येनाह । **दुहितर इति । विषयद्वये इति ।** इदमुपलक्षणं, मातृविषये इत्यपि बोध्यम् । **वाक्यान्तरम्,** भरणं चास्येत्यादि । तत्र **मात्रं** कार्त्स्न्ये । उक्तहेतोः पत्नीत्यस्य तादृशधनविषयत्वे तुल्यन्यायेन दुहित्रादावपि तथाप्राप्त्या धनभागिति वाक्यशेषोऽपि भरणं चास्येत्यादिपर्यालोचनया यदि चाल्पं धनं तदैव पत्नी गृह्णात्यादौ तदभावे दुहिता न बहुधने इति पाक्षिकं धनग्रहणं पत्न्यादेः प्रापयति, पित्रादिषु तु वाक्यान्तरनैरपेक्ष्येणैव नित्यवत् तत् बोधयतीति स दोषस्तदवस्थ एवेति भावः ।

पूर्वं संयताया एव तस्या धनग्रहणमुक्तं द्रढयितुमन्यविरोधं परिहरति । **यत्त्विति ।** यौवनस्था चेदिति यथास्थितमेव । **कर्कशा** क्रूरा । अनेन कृत्स्नधनासम्बन्धः स्पष्ट एवोक्त इति विरोधः स्फुट एव । परिहरति । **तदपीति ।** विधवा यौवनस्था नारी कर्कशा चेद्भवतीत्यन्वयः । कर्कशात्वं च नान्यादृशं किं तु दुरूहदुरभिप्रायकत्वं, प्रागुक्तस्मृत्यन्तरानुरोधात् । तदाह । **शङ्कितेति ।** एवं च संयतायाः सकलधनग्रहमेतत्संमतवेति न विरोध इति भावः । एवं च इतोऽपि प्रागुक्तार्थलाभ एवेत्याह । **अस्मादेवेति । एवो**ऽप्यर्थे । **हरीत**वचनादपीत्यर्थः । अपिना प्रागुक्तसमुच्चयः ।

अत्र प्रागुक्तमेव मानान्तरमप्याह । **एतदेवेति ।** अनाशङ्कितव्यभिचारायाः सकलधनग्रहणमित्येवेत्यर्थः । वयःकृतज्येष्ठत्वे उक्तार्थालाभादाह । **ज्येष्ठा गुणेति ।** अन्यगुणकृतज्येष्ठत्वमपि नाभिमतमिति तदर्थमाह । **अनाशङ्कितेति । अन्यामिति ।** कर्कशामपीत्यर्थः । अपिना स्वीयसमुच्चयः । **मातृवत्,** माता यथा पालयति स्वीयं तद्वत् ।

उपसंहरति । **तस्मादिति ।** संसृष्टीत्यत्र भावे क्तः । पत्नीपदार्थमाह । **परिणीतेति ।** धर्मपरिणयनपूर्वकश्रौतस्मार्तकर्मसहाधिकृतेत्यर्थः । एवं पूर्वोपसंहारे ऊढाया इत्यस्याप्यर्थो बोध्यः । एवेन भरणोपयुक्तमात्रव्यवच्छेदः । यत्तु **प्राच्याः**—एवंव्यवस्थायां **बृहस्पति**विरोधः ।

"विभक्ता भ्रातरो ये च सम्प्रीत्यैकत्र संस्थिताः । पुनर्विभागकरणे तेषां ज्यैष्ठ्यं न विद्यते ॥
"यदा कश्चित्प्रमीयेत प्रव्रजेद्वा कथंचन । न लुप्यते तस्य भागः सोदरस्य विधीयते ॥
"या तस्य भगिनी मातुस्ततोंऽशं लब्धुमर्हति । अनपत्यस्य धर्मोऽयमभार्यापितृकस्य च ॥
"संसृष्टानां तु यः कश्चिद्विद्याशौर्यादिनाऽधिकम् । आप्नोति तस्य दातव्यो द्व्यंशः शेषाः समांशिनः॥"

१ स्वाहितेत्यर्थः ।

इति हि सः । तत्र चोपक्रमोपसंहारयोः संसृष्टविषयत्वान्मध्यस्थस्य यदा कश्चिदित्यादेरपि तद्विषयत्वेन तत्र चानपत्यस्येत्यनेनार्धेन पुत्रकन्यापत्नीपितॄणामभावे संसृष्टसोदरभ्रातुरधिकारबोधनेन कथं तस्य पत्नीबाधकत्वम् । किं चाविभक्तत्वे संसृष्टत्वे च भ्रात्रन्तरीयद्रव्यस्य मिश्रीकृतादेः पृथगप्रतीतौ लोपशङ्कायां न लुप्यते इत्युपपद्यते । विभक्तासंसृष्टस्य तु धने विभागप्रतीत्या न लोपशङ्का । तस्मात्संसृष्टविषयत्वमेवैषाम् ।

किं च पत्न्यादेः पूर्वं अधिकारज्ञापक**शंखादीनां** संसृष्टविषयत्वं वचनान्न्यायाद्वा । नाद्यः । तदभावात् । संसृष्टिनस्त्वित्यादेस्तु भ्रात्रधिकारावसरे विशेषज्ञापनत्वेन भ्रात्रधिकारमात्रपरत्वानुपपत्तेः । किं च समीपोक्त**बृहस्पति**वचसः संसृष्टिविषये पुत्रादिपित्रन्ताभावे सोदरभ्रात्रधिकारज्ञापकत्वात्तद्विरुद्धत्वादसंसृष्टविषयत्वमेव तावत् युक्तं तेषां, न तु तथा ।

संसृष्टत्वे यदेकस्य भ्रातुर्धनं तदन्यस्यापि तत्रैकनाशे तत्स्वत्वनाशेऽपि जीवतस्तत्सत्त्वात्तस्यैव तत्, न तु पत्न्याः । भर्तृमरणेन पत्नीस्वत्वस्यापि नाशात् । यथा सत्सु पुत्रादिषु न तद्धनं पत्न्या इत्येवं द्वितीयपक्षोऽपि न । न हि संसृष्टत्वेऽपि यदेकस्य तदेवान्यस्यापि । किंतु अविज्ञातैकदेशविशेषं तत् द्वयोः, न तु समग्रमेव । तत्स्वामित्वकल्पनायां मानाभावात् । परिणयोत्पन्नभर्तृधने पत्न्याः स्वामित्वं तस्मिन् मृते नश्यतीत्यत्र च मानाभावात् । सति पुत्रे तदधिकारशास्त्रादेव स्वत्वनाशोऽवगम्यते । नन्वत्रापि संसृष्टिभ्रात्रधिकारशास्त्रात्तथेति चेन्न । संसृष्टभ्रातृगोचरत्वस्याद्याप्यसिद्धेः । सिद्धे हि भ्रातृसंसृष्टभर्तृमृत्या पत्नीस्वामित्वनाशे भ्रात्रधिकारशास्त्रस्य संसृष्टविषयत्वं, सति तु तस्य तद्विषयत्वे पत्नीस्वामित्वनाश इत्यन्योन्याश्रयश्च ।

किं च **शंखा**देस्तत्त्वे भ्रात्रंशे तथा सत्त्वेऽपि तदभावे पितरावित्यत्र प्राग्वद्विकल्पसम्भवेन पत्नीदुहितरश्चैवेत्यादिना विभक्तासंसृष्टयोः पित्रोः पत्नीबाध्यत्वादाद्यपक्षस्य, अविभक्तसंसृष्टभ्रातृसद्भावेऽप्यविभक्तसंसृष्टपितृग्राह्यत्वस्य सर्वेषां मते विवादाभावेन द्वितीयपक्षस्य चासम्भवः ।

किंच यथा पित्रा भ्रात्रा च विभक्तासंसृष्टधने शरीरदातृतया "आत्मा वै जायते पुत्रः" इत्येकत्वस्मृतेर्धनशरीरयोश्च प्रभुत्वात्पितृदेयपितामहादिपिण्डत्रये च सपिण्डनेन मृतस्य भोक्तृत्वाज्जीवति च पितरि पुत्राणां पार्वणदानाभावात् भातृतः पूर्वं पितुरधिकारस्तथाऽन्यत्रापीति युक्तम् । अविभागसंसर्गयोर्वाऽविशेषात् पिताभ्रात्रोस्तुल्यवदधिकारो युक्तो न तु तदभावे पितुरिति युक्तम् ।

किं चाविभक्तसंसृष्टौ पितराविति द्वित्वानुपपत्तिर्मात्रा सह विभागाविभागयोरभावात् । अत एव संसर्गाभावोऽपि ।

यदाह **बृहस्पतिः**,–'विभक्तो यः पुनरिति' । अतः संसर्गित्वाविभक्तत्वयोर्द्वयोर्मात्रा सहासम्भवात्कथं मातृगतो भ्रातृसद्भावाधिकाराविरोधः समाधेयः । तस्मात् **विष्णवा**दितः पुत्राद्यभावमात्रेण पत्न्यधिकारः स्पष्टोऽवगम्यते । तत्र पुत्रादीनां त्रयाणामादौ तत्त्वं, ' पुन्नाम्नो नरकादि'त्यादि**मनुविष्णवा**द्युक्तेः । [2]प्रपौत्रपर्यन्ताभावे वैधव्यात्प्रभृति व्रतादिना भर्तुः परलोकहिताचरणेन पुत्रादितो जघन्या भार्येति तेषामभावे सैव धनाधिकारिणीति तत्त्वमिति ।

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१ समानसम्बन्धिनां मध्ये संसार्गिणः संसर्गनिबन्धनाधिकारबोधकत्वेनेत्यर्थः । अन्यथा पुत्रसत्त्वेऽपि संसृष्टभ्रात्रधिकारप्रसङ्गादिति भावः । २ फ–पौत्रपर्यन्ताभावे ।

तत्र । उक्त**बृहस्पति**वाक्यस्य 'संसृष्टिनस्त्विति' **मूल**स्य 'विभक्ताः सहजीवन्त'इत्यादि**मनो**रुक्त-**नारद**स्य च समानार्थकत्वेन प्रकृताविषयत्वात् । अपत्यसत्त्वे नैवमित्युक्तम् । तत्र अनपत्येत्यपवाद-प्रसङ्गादसंसृष्टविभक्तस्थलेऽप्यपवाद उक्तः, अभार्यापितृकेति । लोपशङ्काऽपि **मनु**वद्बोध्या । पत्नीति मूलस्य पूर्वोत्तरवचनैस्तत्त्वे सति परिशेषन्यायेन शङ्कादेस्तद्विषयत्वं सिद्धमिति न दोषश्च ।

किं च भ्रात्रंशे एवेदं न पित्राद्यंशे । तत्र त्वनुपदमेव प्रकारो वक्ष्यमाण इति न कोऽपि दोष इति दिक् ।

नन्वेतावता प्रपञ्चेन पत्नीत्यस्य भ्रात्रंशे विरोधे परिहृते **नारद**सङ्गतावपि पित्राद्यंशे विरोध-स्यापरिहृतत्वेन तदवस्थत्वेन **मनुशंखकात्यायनादेः** का गतिरिति चेत्, न । नेदं क्रमपरमित्या-द्याचार्योक्त्यनुवादकेन भगवता **विज्ञानेश्वरे**ण सर्वविरोधपरिहारस्य सूचितत्वात् ।

तथा हि । तत्र तावत् 'पिता हरेदिति' **मनु**विरोधस्तु कण्ठतः परिहृत एव । तथा च तत्र वाशब्दो व्यवस्थितविकल्पे न त्वैच्छिकविकल्पे । व्यवस्था च **मूलो**क्तैवेति बोध्यम् । एवमनपत्यस्य पुत्रस्य मातेति **मनु**रपि न विरुद्धः । तस्यापि क्रमाबोधकत्वात् । मानाभावात् अधिकारप्रदर्शनमात्र-परत्वात् । तथा च मूलानुरोधेन तत्र चकारेण च वृत्तायामित्यस्य पूर्वत्रापि संबन्धेन पत्न्यां दुहितरि च वृत्तायां दौहित्रे च वृत्ते माता तस्य दायमाप्नुयादित्यर्थः । अग्रेऽपि अपिशब्दात्पित्रादिसमुच्चयेन पितरि भ्रातृषु सत्सु तेषु च वृत्तेषु पितामही हरेदित्यर्थः । इदमग्रेऽपि व्यक्तम् । तत्रैव 'मातर्यपी'-त्यत्र कण्ठतो **विज्ञानेश्वरे**ण तथोक्तत्वान्मात्रंशेऽपि तथैव तस्याभिमतम् । एवं **शंख**वचनमपि न वि-रुद्धम् । तस्याविभक्तसंसृष्टभ्रातृविषयत्वस्य भ्रात्रंशे कण्ठतस्तेनोक्तत्वात् ।

किं च तत्र वाशब्दस्य समुच्चयार्थत्वेन तदभावे इत्यस्योभयत्रान्वयेन क्रमवैपरीत्येन च तदभावे अविभक्तसंसृष्टभ्रात्रभावे ज्येष्ठा संयता पत्नी हरेत् तदभावे पत्न्यभावे चेन दुहितृदौहित्रयोरभावे पितरौ हरेयातामित्यर्थात् यथाश्रुतक्रमाबोधकत्वात् **कात्यायन**वचनमपि न विरुद्धम् । तत्र पुत्राभावे इत्यत्र पुत्रपदस्य पौत्रोपलक्षकत्वावश्यकत्वात् " अपुत्रा पुत्रवत्पत्नी " " यथैवात्मा तथा पुत्रः " " पुत्रेण दुहिता समा " "पौत्रदौहित्रयोर्लोके विशेषो नोपपद्यते ।" इत्याद्युक्त्या पुत्राभावे इत्यस्य पुत्रस्य पौत्रस्य पत्न्या दुहितुर्दौहित्रस्य चाभावे इत्यर्थेनाग्रे क्रमवैपरीत्येन वाशब्दानां तदभाव-रूपपक्षान्तरबोधकत्वेनादौ जननी हरेत्, वा तदभावे पिता हरेत्, वा तदभावे भ्राता हरेत्, पुनर-न्वयेनाथशब्दस्य समुच्चयार्थत्वेन वा तदभावेऽथ तत्सुता हरेयुः, वा तदभावे तत्पितुर्माता पिता-मही हरेदित्यर्थात् । एतादृशक्रमबोधनार्थमेव क्रमादिति सफलम् । अन्यथोक्तक्रमस्य पाठत एव लाभे तदुक्तिरफलेति स्पष्टमेव । **गौतम**वचनमपि न विरुद्धम् । तत्र वाशब्दस्य चार्थत्वेनाधिकारमात्रप्रद-र्शनपरत्वेनोक्तरीत्यैव क्रमस्य विवक्षितत्वात् । तत्र पिण्डशब्दः सापिण्ड्यपरः । गोत्रशब्दसमभिव्या-हारात् । न केवलं **मूल**स्यैव **नारदा**दिविरोधः, किं तु तेषामपि मिथो भूयानिति तत्रैकस्य सिद्धा-न्तत्वे सर्वनिर्वाहाभावात् व्यापकत्वान्**मूला**द्यनुरोधेनोक्तव्यवस्थयैव सर्वैकवाक्यतासंपादनमुचितामिति गूढाकूतम् ।

अत्रेदं तत्त्वम् । यद्यपि पूर्वविरोधदानावसरे **नारदमनुशंखकात्यायन**विरोधः क्रमेण व्याख्यात्रा सम्भवात्सामान्यतो बहुविषये दत्तस्तथापि उपक्रमोक्त**नारद**वाक्यात्द्विशिष्यभ्रातृपत्न्योः क्रमबोधक**शंखा**च्च मुख्यतया भ्रात्रंशे एवाभिमतः । **मनुकात्यायनो**ल्लेखस्तु मूलवत्तेषामपि मिथो विरोधो यथाश्रुत इति न तयोरपि क्रमव्यवस्थापकत्वमिति सूचयितुमानुषङ्गिकः । तत्र **मनु**द्वयांशे

विरोधपरिहारोऽग्रे व्याख्यात्रा ऽन्यप्रसङ्गेन कण्ठतः कृत एवेति नात्र पुनर्विशिष्योक्तिः । तेनैव पित्रादौ **शंखकात्यायन**विरोधोऽपि परिहृतप्राय इति नै तथा । भ्रात्रंशे तदुभयविरोधोऽपि अन्यप्रसङ्गेन तयोः संसृष्टविषयत्वमुक्तवता परिहृत एव । तत्र संसृष्टेत्युपलक्षणविभक्तस्यापि । इदमप्यन्यत्र विभक्ते संसृष्टिनि वेति उक्तवता तेन सूचितमेव । एवं च मुख्यतातात्पर्यविषयतया भ्रात्रंशे एव फलितार्थकथनपरं न तु शाब्दार्थकथनपरम् । तल्लाभो यद्यपि प्रागुक्तरीत्या सिद्धः तथापि अत्रापि गमकमस्तीत्याशयेनाद्योपसंहारार्थेहेतुद्वयमुक्तं विभागेत्यादि । स च मुख्यतया भ्रातृणामेव प्रतिपादितः । शब्दस्तथैव लाभात् । अत एवाग्रे “ एवं विभागं चेदित्यादिना प्रबन्धेन समानजातीयानां भ्रातृणां परस्परं पित्रा च सह विभागक्लृप्तिरुक्ता ” इत्युक्तं तेन ।

किंच भ्रातृणां तयोरूर्ध्वमनन्तरं विभाग उक्त इति तस्यैव विभागस्यात्र ग्रहणम् । अत एवैकवचनम् । एवं च भ्रात्रंशे तादृशप्रकरणात्तथेति तद्भावः । ननु शाब्दमुख्यविभक्तत्वस्य तत्रोक्तत्वेऽपि अर्थानुषङ्गिकविभक्तत्वस्य पितरि मातरि च सत्त्वेन तादृशविषये तयोरधिकारापत्तिः । पत्नीत्यस्य सर्वविषयत्वेनाप्रवृत्त्या वचनान्तरादित्यत उक्तं संसृष्टिनामिति । संसृष्टिनस्त्वित्यस्य पत्नीत्यादिसर्वापवादत्वं न पत्नीमात्रांशपरम् । अत एव “ पत्न्यादयो धनभाज इत्युक्तम् । अस्यापवादमाह ” इति वक्ष्यते तेन । एवं च तादृशपितृभ्रातृपितृव्यान्यतमस्थलेऽस्य वचनस्य संपूर्णस्याप्रवृत्तावप्यन्यत्र विभागेऽविभागे च सर्वत्र प्रवृत्तिः । अत एव वैरूप्यमपि नेदानीम् । अत एव संसृष्टविषयत्वमेव **नारदशंख**योः कण्ठत उक्तं न त्वविभक्तविषयत्वमपि । इर्थ[4]मरुचिरुपसंहारद्वयमध्ये विभक्ते संसृष्टिनि वेत्यत्रापि बोध्या । अत एवाद्ये उपसंहारे ऽयमर्थः सिद्धो भवतीत्युक्तम्, न तु पत्नीत्यादेरेतद्विषयतया व्यवस्थितिरित्युक्तम् । द्वितीयोपसंहारस्तु साकल्यांशे इति न पौनरुक्त्यम् ।

किं च विभक्तभ्रातृस्त्रीविषयत्वं पत्नीत्यस्य **धारेश्वर**संमतत्वेन प्रागुक्तं न स्वसंमतत्वेन । यद्यपि तत्र नियोगो दूषितः कण्ठतो ‘ नान्यस्मिन्नित्यादिना ’ तथापि तदितरांशस्य सम्भवदुक्तिकत्वेऽपि उक्तवक्ष्यमाणयुक्तिभ्यां स्वानभिमतत्वमेव । एतेन “ पत्नीत्यादिमूलस्य ‘ अपुत्रा शयनामनि ’ **मनो**श्च व्याख्यायां विभक्तासंसृष्टधनविषयतया व्यवस्थापितत्वेन तद्भिन्नस्थले तयोरप्रवृत्त्योक्त**नारदमन्वा**दिना तत्र निर्वाह इति **मिताक्षरा**सम्मतसिद्धान्त ” इति **भ्रान्तो**क्तमपास्तम् । तदभिमतार्थाज्ञानात् । विभागोक्त्या **मूल**स्य तद्विषयत्वलाभेऽपि उक्त**मनो**स्तद्विषयत्वासम्भवात् । तथा तेनानुक्तत्वात् । मूलैकवाक्यतया तस्य तत्त्वेऽपि विरुद्धवाक्यजातान्तर्गते विभक्ते संस्थिते इत्यत्र विभक्ते इत्युक्त्या तदेकवाक्यतया **नारदमन्वादे**रपि तद्विषयत्वापत्त्या त्वदुक्तार्थस्य बाधितत्वात् । अन्यथा तेषां मिथो विरोधस्य स्पष्टत्वेनाव्यवस्था तदवस्थैव ।

किं च । तावताऽपि तैः सर्वत्रानिर्वाहः । तत्र स्वल्पोपादानात् । पत्नीत्यादेस्तु त्वदुक्तरीत्योत्तरोत्तरस्य पूर्वपूर्वसापेक्षत्वेन तद्विषयत्वस्यैव युक्तत्वेन च सम्पूर्णस्यैव तद्विषयत्वापत्त्या तत्राप्रवृत्तेः । **मूल**समानार्थ**विष्णु**ना निर्वाहे तु अस्मत्पक्षस्यैव सिद्ध्या द्रविडप्राणायामस्यासांगत्यापत्तेः ।

किं च । अन्यत्र तेन निर्वाह इति न **विज्ञानेश्वर**सम्मतम् । यदपि **नारदव**चनमित्यादि तदुक्तिविरोधापत्तेः । तदप्यत्रभवानाचार्यो न मृष्यतीत्यादि विरोधापत्तेः । तत्र पितामही

१ न पुनर्विशिष्योक्तः । २ चतुर्स्त्रिद्व्येकभागाः स्युः १३५ इति श्लोकावतरणे इति शेषः । ३ संसृष्टिनस्तु संसृष्टी १३८ पृ. ९८ इति श्लोकावतरणे । ४ फ इत्थम् ।

प्रथमं धनभाक् मातर्यपि च वृत्तायाम् इत्यादितदुक्तिविरोधापत्तेश्च । वचनस्यैकत्वेनोत्तरार्द्धस्यापि तन्मात्रविषयतया सांकर्यस्यैवाभावात् । एतेन अविभक्तैकपुत्रस्य स्वार्जितधनकस्य मृतपितृकस्य मातृपत्नीभगिनीसमवाये उक्तरीत्या पत्नीत्यादेरप्रवृत्त्या 'अनपत्यस्य पुत्रस्य मातेति' **मनो**र्मातैव धनभाक्, न पत्नी इत्यपास्तम् । तद्विरोधात् । त्वन्मते मात्रभावे तत्सत्त्वे तत्प्रवृत्तेः ।

किं च । तथा सति तत्रैव पत्न्यां जीवन्त्यामपि त्वदुक्तरीत्या धनभाक्त्वेन मातृधनस्य दुहितृगामित्वेन तत्कन्यासत्त्वे तद्गामित्वेन पत्न्या निरंशत्वापत्त्या जीवनाभावापत्तेः ।

किंच । पितुः स्वत्वमित्यव्यवस्था दुर्वारैव । निर्वाहकवचनान्तराभावात् । **विष्णो**र्मूलसमानार्थत्वात् । "अनन्तरः सपिण्डाद्यः" इति **मनूक्त**प्रत्यासत्तेस्तत्त्वाङ्गीकारेऽपि तस्यास्तत्र तुल्यत्वेन तत्तादवस्थ्यमेव । अस्मन्मतप्रवेशापत्तिश्च । तदुक्तप्रत्यासत्त्यङ्गीकारेऽपि तद्वत्पितुरपि असमर्थस्य उक्तरीत्या निरंशत्वापत्तिः । "अर्द्धो वा एष आत्मनो यः पत्नी" इत्यादि**श्रुत्या**दिबोधितप्रत्यासत्त्यतिशयस्य पत्न्यामेव सत्त्वं च ।

किं च । पुत्रपौत्ररहितस्य दुहित्रादिगणाभावे पत्नीसत्त्वे विभागस्याभावे त्वदुक्तरीत्या पत्नीत्यादेरप्रवृत्त्या "श्रोत्रिया ब्राह्मणस्यानपत्यस्य रिक्थं भजेरन्" इति **गौतमात्** (अ. २८ सू ३९) तस्य तत्त्वापत्त्योक्तदोषापत्तेः ।

किंच । तादृशस्य तस्य पत्नीसत्त्वे सपिण्डान्तर्गतदूरतरयत्किञ्चित्सत्त्वे विभागाभावे मूलाप्रवृत्त्या "पुत्राभावे प्रत्यासन्नः सपिण्ड" इत्या**पस्तम्बात्** (२।१४।२) तस्य तत्त्वापत्त्योक्तदोषापत्तिरेव । वचनान्तरं तु न साधकमस्ति । उक्तश्रुत्या पत्न्याः प्रत्यासन्नत्वादिना तत्त्वे तु तत्रापि तन्नेदं वारितमित्यलं तदनभिज्ञोक्तिखण्डनेनेति । क्वचिदवशिष्टविरोधपरिहारस्त्वग्रेऽनुपदमेव स्फुटीभविष्यतीति दिक् ।

एवं पत्नीति व्याख्यायाग्रिमं व्याचष्टे ।**तदभावे दुहितर इत्यादिनाऽभिधानादित्यन्तेन।**

नन्वु पत्नीतिवज्जातावेकवचनेनैव सजातीयानेकग्रहणलाभे बहुवचनं निर्बीजमत आह । **बहुदुहिता वचनमिति ।** प्रकृतिबोध्यस्त्र्यपत्यत्वस्य प्रत्ययबोध्यबहुत्वस्य च विजातीयास्वपि अविशिष्टत्वमविरुद्धत्वं चेति ताभ्यामुभयप्रतीत्या तासां चतुस्त्रीत्युक्तक्रमेण समविषमांशभागप्राप्तिरितिभावः । यद्यपीदमपि तद्वदेव सिद्धं तथापि तस्य स्फुटबोधकमिदमिति गूढाकूतम् । एतेनादौ सवर्णा तदभावेऽसवर्णेति व्याख्यानमपास्तम् ।

दुहितॄणां धनसम्बन्धं पोषयति । **तथा चेत्यादिना** । तत्राद्यं व्याख्यातम् । **तां विना** तदभावे । **स्मृता** धनहरीत्यस्यादावनुषङ्गः । **अङ्गादङ्गात्,** सर्वेभ्यः अङ्गेभ्य उत्पद्यते ।
"यथैवात्मा तथा पुत्रः पुत्रेण दुहिता समा । तस्यामात्मनि तिष्ठन्त्यां कथमन्यो धनं हरेत्" ॥ इति,

'यदपत्यं भवेदस्यां तन्मम स्यादि'त्युक्तमपत्यं धनभाक् । अतः पितरि मृतेऽनुत्पन्नपुत्राया धनहरत्वाप्राप्तावयं विधिकल्पकोऽर्थवादः । तत्र तस्यामात्मनि पुत्रनिमित्तं तिष्ठन्त्यामेव धनलाभो, न पुत्रोत्पत्तिस्तदीयाऽपेक्षिता । यद्वा । तस्यामात्मभूतायां पितृरूपेण तिष्ठन्त्यामित्यर्थः । एतदर्थको **मनु**स्तु न लिखितः । तत्र सामान्यवचनदुहितृशब्दस्यापि प्रकरणात्पुत्रिकापरत्वेन **मेधातिथिना** व्याख्यातत्वात् । एतदर्थमेवार्थकथनम् ।

एतेन "पुत्रवत्या एव तस्यास्तद्धनाधिकारो न दुहितृसामान्यस्य। 'तुल्यसन्तानदर्शनादिति' **नारदी**ये हेतुनिर्देशेन प्रत्यासत्तिसाम्येऽपि उपकारातिशयेन तदाधिकारबोधनात्। यथा पुत्रत्वसाम्येऽप्यक्लीबादेः। तथा च पुत्रदुहित्रोस्तद्वत्त्वमेव तदधिकारापादकं, न स्वरूपमात्रम्। अन्यथा क्लीबादिपर्युदासस्यादृष्टार्थतापत्तेः" इति **भ्रान्तो**क्तमपास्तम्। **मन्वा**दिविरोधात्, **नारदा**र्थस्य वक्ष्यमाणत्वात्, क्लीबादेर्यथाकथञ्चित्पुत्रसत्त्वे कर्मानधिकारप्रयुक्तस्य वाचनिकस्य वाऽनधिकारस्य सत्त्वात्, अन्यथाऽपुत्रपुत्रादेस्तत्त्वानापत्तेः, योग्यतायाः पतितादावपि सत्त्वाच्चेति दिक्।

'यद्यनूढेति' व्याचष्टे। **तत्र चेति।** दुहितृषु चेत्यर्थः। अनेन यदि तयोः समवायो भवेत्तदाऽनूढैवेति तत्र योजना सूचिता। तदेवाह। **तदेति।** धनं विनाऽविवाहे तस्या ऋतुदर्शने पित्रादीनां नरकपातश्रुत्या युक्तमेवेदं, ततो निस्तारात्।

तथा च **पैठीनसिः**–

"यावन्नोद्भिद्येते स्तनौ तावदेव देया अथर्तुमती भवति दाता प्रतिग्रहीता नरकमाप्नोति पिता पितामहः प्रपितामहश्च विष्ठायां जायन्ते तस्मान्नग्निका दातव्येति"।

पराशरोऽपि–"अपुत्रमृतस्य कुमारी ह्यर्थं गृह्णीयात्तदभावे चोढेति।"

देवलोऽपि–

"कन्याभ्यश्च पितृद्रव्याद्देयं वैवाहिकं वसु। अपुत्रस्य तु कन्या स्वा धर्मजा पुत्रवद्भवेत्"। इति।

स्वा सवर्णा। धर्मजा धर्मपत्नीजा।

नारदोऽपि– (अ. १३ श्लो. २७)

"स्यात्तु चेद्दुहिता तस्याः पित्र्यांशो भरणे मतः। आ संस्काराद्धरेद्भागं परतो बिभृयात्पतिः"॥

इति। अत्र हरेद्भागमिति ऊढानूढासाधारणं, भरणांशे विशेषः। एतेन "ऊढानूढासमवाये इति चिन्त्यं, तादृशक्रमकल्पने मानाभावात्। यद्यनूढा भवेदित्यस्योक्त**नारदा**दनूढा पितृभागं न लभते किं तु आ विवाहं भरणं विवाहोपयुक्तं द्रव्यं च। तद्भागं तु विवाहानन्तरमेवेत्यर्थपरत्वात्" इति **भ्रान्तो**क्तमपास्तम्।

विशेषान्तरमाह। **तथेति। प्रतिष्ठिता** सधना। **अप्रतिष्ठिता** निर्धना। **स्त्रीधनमिति।** तत् कन्यानां, तासां मध्ये अपरिणीतानामेव, परिणीतानां मध्ये निर्धनानामेवेत्यर्थः। नन्वेतच्छ्रुत्या मातृधनविषयकमिति प्रकृते कथं [१]प्रवर्तेत अत आह। **पितृधनेऽपीति।** स्त्रीधनोद्देशेन दुहितृसम्बन्धविधानेनोद्देश्यविशेषणत्वेन स्त्रीत्वस्याविवक्षितत्वात्तुल्यत्वमिति भावः। एतेन "यद्यप्यादौ सपुत्राया एव धनं तथापि सर्वथाऽविशेषादुभयोरपि विभज्य धनग्रहणम्। एतेन तथेत्यादि चिन्त्यं तस्य स्त्रीधनविषयत्वान्न्यायस्य पितृधनविषये दुष्टत्वात्" इति तदुक्तमपास्तम्।

ननु दुहितर इति वाक्यं पत्न्यभावे पुत्रिकारूपकन्याया धनसंबन्धमाह, तदुक्त**मन्वनु**रोधात्, न तु तत्सामान्यस्य, येनानूढादिक्रमः प्रागुक्तो भवेदित्याशयेनाह। **न चैतदिति।** दुहितर इत्येतदित्यर्थः। व्याख्याभेदेनाह। **तत्सुतस्येति।** एवं च तत्रैवोक्त्याऽत्रोक्तिः पुनरुक्तेत्यनुपपन्नैव स्यादित्यर्थः। **मनुना** तु द्वादशपुत्रमध्ये शूद्रापुत्रो गणितो न पुत्रिकापुत्र इति तस्य तदुक्तिस्तथेति भावः। "अपुत्रधनं पत्न्यभिगामि तदभावे दुहितृगामीति" प्रागुक्त**विष्णु**रपि।

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१ क–प्रवर्तते।

" दुहितॄणामभावे तु रिक्थं पुत्रेषु तद्धनम् "—इति **कात्यायनो**ऽपि ।

" मातुर्दुहितरोऽभावे दुहितॄणां तदन्वयः । " इति वक्ष्यमाण**नारदो**ऽपि । (अ. १३ । २ श्लो.)

यत्तु " पत्न्यभावे स्नुषैव न दुहिता । तदधिकारस्य पुत्रपत्न्यभावायत्ततया पत्न्यभावेऽपि पुत्रार्धशरीरसत्त्वेन पुत्राभावविरहात् ।

तथा च **बृहस्पतिः**—

" यस्य नोपरता भार्या देहार्धं तस्य जीवति । जीवत्यर्द्धे शरीरे तु कथमन्यः समाप्नुयात् "॥ इति ।

न च दुहितुः साक्षात्पित्रवयवारब्धत्वेन पित्रवयवारब्धपुत्रसहकारिस्नुषापेक्षया संनिकृष्टत्वमिति वाच्यम् । दुहित्रपेक्षया सगोत्रसपिण्डायाः स्नुषायाः प्रत्यासत्त्यतिशयात् । पित्रादिष्वतिप्रसङ्गस्तु न । तेषां वचनेनैव व्यवस्थानविशेषस्य[1] नियमितत्वात् । यत्रापि पतिमरणानन्तरं पत्न्येव लभते तत्रापि मातृधनत्वेन तद्धनं दुहितृगामीति न भ्रमितव्यम् । जन्मना पुत्रस्येव विवाहात् स्नुषाया अपि भर्तृद्वारा श्वशुरधने स्वत्वोत्पत्त्या श्वशुरमरणे श्वश्रूस्नुषयोः स्वत्वसाम्येन[2] श्वशुरमरणे स्नुषायाश्च साधारणस्वाम्यात् " इति **भ्रान्तः** ।

तन्न । वस्तुतस्तथा सत्त्वेऽपि तदभावायत्तत्वस्य तस्याशाब्दत्वात् । पत्नीतः प्रागपि तदधिकारापत्त्या सकलव्याकुलीभावापत्तेः । " अर्धो वा एष आत्मनः " इति **श्रुति**मूलकस्योक्त**बृहस्पतेः** प्रत्यासत्त्या तादृशपतिधनविषये पत्न्या अधिकारबोधकत्वेन प्रकृतेऽप्राप्तेः । तत्प्रत्यासत्त्यपेक्षया स्नुषायां तादृशप्रत्यासत्त्यतिशयाङ्गीकारे दुहितुरपि प्राक् पित्रादेरधिकारापत्त्या स्मृतिविरोधबाहुल्यापत्तेः । स्थानविशेषनियमितत्वस्य स्नुषायामपि तुल्यत्वात् । तस्या अपि गोत्रजत्वात् । एतेन यत्रापीत्याद्यग्रिममपि निरस्तमिति दिक् ।

अनुपपन्नमभिप्रायतो व्याचष्टे । **चशब्दादित्यादिना हरेद्धनमितीत्यन्तेन** । एतेन दुहितर इति बहुवचनेन दौहित्रग्रहणमिति **प्राच्यो**क्तं पत्नीत्यादिक्रमसंबन्धात्सर्वान्ते **दौहित्राः** दौहित्राधिकार इत्यन्योक्तं चापास्तम् । बहुवचनफलोक्तत्वात्स्य । राज्ञोऽभावा[3]भावेनानधिकारापत्तेश्च ।

विष्णवाद्यनुरोधेनाह । **दौहित्र इति** । तदेवाह । **यथाहेति** । अन्यथा तेषां निर्विषयता स्यादिति भावः । **अपुत्रेति** । सन्तन्यते यस्यामिति व्युत्पत्त्या सन्तानशब्देन 'पत्नी दुहिता' चोच्यते । अत एव **नारदः**–(अ. १३ । श्लो. ५०)

" पुत्राभावे तु दुहिता तुल्यसन्तानकारणात् । पुत्रश्च दुहिता चोभौ पितुः सन्तानकारकौ ॥ " इति ।

" सन्तानोऽपत्यगोत्रयोः सन्ततौ देववृक्षे चेति " **विश्वो**ऽपि ।

त्रयाणां द्वन्द्वोत्तरं बहुव्रीहिः । तस्मिन्पुरुषे मृते सतीत्यर्थः । अव्ययीभावेन व्याख्यानं तु अयुक्तम् । नञा तदभावस्य भाष्यसंमतत्वात् । सन्तानपदवैयर्थ्यापत्त्या कर्मधारयोऽप्युक्तः । तथा च पुत्रपौत्रपत्नीदुहित्रभावे सति तद्धनं दौहित्रा आप्नुयुरित्यर्थः ।

' यश्चार्थहरः स पिण्डदोऽपीति ' **बृहस्पतेः** " यो धनमाददीत स तस्मै श्राद्धं कुर्या-

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१ ङ–व्यक्तं स्थानविशेषस्य । २ ख फ–स्वत्वसाम्ये तु पाण्यमाधारणस्वाम्यात । ३ राज्ञः सर्वदा विद्यमानत्वेन तदभावस्य कदाप्यभावेन सब्रह्मचारिपर्यन्ताभाव तस्याप्यधिकारित्वेन अधिकारिसामान्याभावरूपस्य सर्वान्त्यस्यासम्भवेन दौहित्रस्य अनधिकारापत्तेश्चेत्यर्थः ।

पिण्डं च त्रिपुरुषं दद्यादिति ” **वृद्धशातातपोक्ते**श्चाह । **पूर्वेषां त्विति** । पूर्वेषां मातामहादीनां स्वधाकारे श्राद्धादौ दौहित्रकाः । स्वार्थे कन् । पौत्रा एव मता इत्यर्थः ।

अत एव **मनुः**—(अ. ९ श्लो. १३१ । १३२ । १३३ । १३९)

“ मातुस्तु यौतकं यत्स्यात्कुमारीभाग एव सः । दौहित्र एव च हरेदपुत्रस्याखिलं धनम् ॥

“ दौहित्रो ह्यखिलं रिक्थमपुत्रस्य पितुर्हरेत् । स एव दद्यात् द्वौ पिण्डौ पित्रे मातामहाय च ॥

“ पौत्रदौहित्रयोर्लोके विशेषो नास्ति धर्मतः । तयोर्हि मातापितरौ संभूतौ तस्य देहतः ॥ ” इति ।

“ पौत्रदौहित्रयोर्लोके विशेषो नोपपद्यते । दौहित्रोऽपि ह्यमुत्रैनं सन्तारयति पौत्रवत् ॥ ” इति च ।

यद्यपीदं सर्वं पुत्रिकापुत्रविषयं प्रकरणात्, व्याख्यातं च **मेधातिथिना** तथैव, तथापि न्यायसाम्यादत्र सम्मतित्वेन लिखितम् । अत एव **विज्ञानेश्वर** एतत् सर्वं विहायैतत्प्रकरणस्थमपि अकृता वेत्युक्त्या साधारणं **मनु**वाक्यमात्रं संमतित्वेनाह । **मनुरपीति** । पुत्रिकात्वेनाकृता वा कृता दुहिता सदृशात्सवर्णाद् यं सुतं पुत्रं विन्देत लभेत तेन तत्सुतेन मातामहः पौत्री पौत्रवानेव । अत एव स सुतः उक्तहेतोः पाठक्रमादार्थक्रमस्य बलीयस्त्वात्तस्य धनं हरेत् गृह्णीयात्पिण्डं दद्याच्चेत्यर्थः । **मेधातिथिना** त्वयमपि श्लोकः कैमुतिकन्यायेन पौत्रिकेयपरतयैव सिद्धान्तितः ।

बृहस्पतिरपि—

“ यथा पितृधने स्वाम्यं तस्याः सत्स्वपि बन्धुषु । तथैव तत्सुतानां च तदभावे तु धर्मतः ॥” इति ।

अत्रेदं बोध्यम् । यद्यपि **मानवे** पुंस्त्वैकवचनाभ्यां दौहित्रस्यैव धनभाक्त्वमायातीति तावदेव **विज्ञानेश्वरेण** चशब्दसमुच्चेयमुक्तं तथापि दौहित्राभावे दौहित्र्यास्तत्त्वमपि चसमुच्चेयम् । ‘अप्रजःस्त्रीधनं भर्तुरिति ’ वक्ष्यमाणेनाप्रजःस्त्रीधनोद्देशेन भर्तृदुहितृदौहित्र्यादेश्च संबन्धविधानेनोद्देश्यविशेषणत्वेन स्त्रीत्वादेरविवक्षितत्वेन ‘ दुहितॄणां प्रसूता चेदि ’ त्यस्य पितृधनेऽपि तुल्यत्वात् । एवं रीत्या ‘ मातुर्दुहितर ’ इति **नारद**स्याप्यत्रानुकूलत्वात् । युक्तं चैतत् । यथा मातृधनग्रहणे दुहितृ-

दौहित्री

दौहित्रपुत्रपौत्रादिक्रमस्तथा पितृधने पुत्रपौत्रप्रपौत्रपत्नीदुहितृदौहित्रदौहित्र्यादिक्रमस्य प्रत्यासत्तितारतम्येन न्यायप्राप्तत्वात् । “ स्त्रीधनं दुहितॄणामप्रत्तानामप्रतिष्ठितानां चेति ” **गौतमव**चनस्य (अ. २८ सू. २२) । पितृधनेऽपि समानत्वादित्यनुपदमेवोक्तवता **विज्ञानेश्वरेण** सूचितत्वात्तत्संमतमपीदम् । अन्यथा दौहित्र्याः पूर्वत्र वक्ष्यमाणेषु च स्वतो नोक्तत्वादनन्तर्भावाच्च पितृधनविषये तस्या अनधिकारस्यैवापत्तिरिति महान् दोषः । अग्रे यथाकथंचिदन्तर्भावे तु प्रथमं धनग्रहणे प्रत्यासत्तेर्नियामकत्वबोधक**मन्वा**दिविरोधः स्पष्ट एव । अत एवाग्रे भ्रात्रनन्तरमेव तत्सुतोक्तिरितीति । अत्र प्रागुक्त**विष्णुकात्यायन**विरोधपरिहारस्तु अनुपदमेव स्फुटीभविष्यति ।

अथाग्रिमं व्याचष्टे । **तदभावे इति** । पितरावित्यत्र न सरूपैकशेषः, “ पिता मात्रा ” इतिस्मृत्यन्तरानुरोधादित्याह । **मातापितराविति** । नन्वेवमपि एकशेषत्वादेव एकेनैवोभयप्रतीत्या मिलितयोरेव तयोर्धनसम्बन्धः प्राप्नोति, नैच्छिकेन प्रतिनियतेन वा क्रमेणेति स्मृत्यन्तरविरोधस्तदवस्थ एवेत्याशयेन शङ्कते । **यद्यपीति**। तत्र तावत् एकदेशिमतेनाह ।

पितरौ

युगपदिति। युगपत् अधिकरणानां द्रव्याणां वचनं यैःपदैः तेषां भावस्तत्ता तस्यामित्यर्थः । द्विवचनाद्यन्तेनैकशेषसाधनार्थमयं पक्षो भाष्ये सरूपसूत्रे एकदेशिनोक्तः ।

अग्रे तु **भगवता** " सेयं युगपदधिकरणवचनता दुःखा दुरुपपादा च " इत्यनेन दूषितः। उत्सर्गापवादयोः साम्याद्उत्सर्गेऽपि तथेत्याशयेनात्र द्वन्द्वस्मरणादित्युक्तं, तदेवाह। **तदपवादत्वादिति।**

वस्तुतस्तु इतरेतरद्वन्द्वेऽपि समूहस्यैव प्राधान्यात्समाहारे तस्यानुद्भूतावयवभेदत्वं तत्र तूद्भूतावयवभेदत्वमिति भेदाङ्गीकारादितरेतरविषये एवैकशेषाङ्गीकारात्समूहस्यैव प्राधान्येन प्रतीत्या तस्यैव तत्र निमित्तत्वप्राप्तिः। किं च एकशेषे एकपदलोपेन ' यः शिष्यत " इति न्यायेनावशिष्टस्यैव तत्समूहबोधकत्वेन तत्त्वम्। यत्र हि पृथगुपस्थितिः कारणान्तरं वा तत्रैव क्रमबोधः, तत्र पृथगुपस्थित्यादेस्तन्त्रत्वात् इति बोध्यम्॥ एतेन पूर्वपक्षोऽयुक्तस्तन्मतस्यासिद्धान्तत्वादित्यपास्तम्।

क्रम इति। यथाकथञ्चित् क्रम इत्यर्थः। तथा च स्मृत्यन्तरविरोधस्तदवस्थ एवेति भावः। एतनेतरेतरयोगसमाहारयोर्विधीयमानद्वन्द्वस्योभयपदार्थप्रधानत्वात्तदपवादैकशेषस्यापि युगपदधिकरणवचनत्वेन क्रमाप्रतीतिरिति व्याख्यानमपास्तम्। असिद्धान्तत्वादिति दिक्।

समाधत्ते। **तथापीति। विग्रहेति।** माता च पिता चेति एकशेषविग्रहवाक्ये इत्यर्थः। ननु वाक्ये ऐच्छिकप्रयोग इति न तथा नियमः, पूर्वनिपातप्रकरणं हि समासे एव तथा प्रयोगनियामकम्, अतो युक्त्यन्तरमाह। **एकशेषाभावपक्षे चेति।** अत एव **चो** व्युत्क्रमे श्रवणादित्यस्याग्रे बोध्यः। **पूर्वमिति।** अभ्यर्हितमित्यनेनेति भावः। **पाठेति।** तत्र प्रयोगे तच्छब्दस्यैव पूर्वमुच्चारणेन तत्क्रमेणैवार्थक्रमप्रतीत्या मातापितृसमूहस्यैव बोधेऽप्युद्भूतावयवभेदत्वात्पूर्वोक्तरत्र प्रत्येकमेव तत्संबन्धस्य विजातीयानां बोधनात् स्मृत्यन्तरानुरोधाच्च अत्रापि प्रत्येकमेव धनसंबन्धः। तत्रापि धनग्रहणे क्रमापेक्षायामुपस्थितमिति न्यायेनोपस्थितक्रमेणैवादौ मातुस्तदभावे पितुर्धनसंबन्धस्य पर्यवसानमित्यर्थः।

नन्वयुक्तमेतत्। पितरावित्यत्रान्यशब्दस्थक्रममादाय तथा प्रतिपादने स्वारस्याभावात्। " पिता, मात्रा " इत्यत्र तु तृतीयानिर्देशेन तस्या अप्राधान्यप्रतीतेः। पितृशब्दस्यैवोच्चारणेन द्विवचनस्य सजातीयासजातीयानेकबोधकत्वेनेष्टार्थबोधस्य तात्पर्यग्राहकसापेक्षत्वेन च पूर्वं पितुरेवोपस्थितेश्च। अत आह। **किं चेति।** पितृत्वस्य यावत् सवर्णाऽसवर्णाजातपुत्रत्वनिरूपितत्वेन साधारणत्वान्मातृत्वस्य स्वजातपुत्रत्वमात्रनिरूपितत्वेन मिथोपेक्षया मिथो व्यवहितोऽत्यन्तसंनिहितश्च संनिकर्ष इति मातुस्ततोऽधिकप्रत्यासत्तिरिति भावः।

ननु धनग्रहणे प्रत्यासत्त्यतिशयस्य नियामकत्वे एव किं मानम्, अत आह। **अनन्तर इति। मनू**क्तिरियम्। सपिण्डादिति " दूरान्तिकार्थैः " (व्या. सू. २।३।३४) इति षष्ठ्यर्थे पञ्चमी। तथा च सपिण्डस्य योऽनन्तरः संनिहितः तस्य सपिण्डसंनिहितस्य धनं तस्य सपिण्डस्य भवेदित्यर्थः। एवं च प्रत्यासत्तेर्नियामकत्वं **मनुना** स्पष्टमेवोक्तम्।

नन्वनुगतं कारणं हि लोके दृश्यते, प्रकृते तु न तथा। अनन्तर इति **मनुना** सपिण्डपदोक्त्या सपिण्डेष्वेव प्रत्यासत्तेर्नियामकत्वं न सोदकादिष्विति प्रतिपादनात्। तथा च तत्र कारणान्तरेऽवश्यं वक्तव्ये सपिण्डेष्वपि तदेवास्तां किमनया प्रत्यासत्त्येत्याशयेनाह। **न चेति।** न हीत्यर्थः।

" बहवो ज्ञातयो यत्र सकुल्या बान्धवास्तथा। यस्त्वासन्नतरस्तेषां सोऽनपत्यधनं हरेत्॥ "

इति **बृहस्पते**स्तत्र सपिण्डपदं सोदकादीनामप्युपलक्षकमित्युभयत्र सैव तत्र नियामिकेत्याह। **आपि त्विति।** 'अस्मादेवेति' **एवो**ऽप्यर्थे। 'मातापित्रोरिति' निर्धारणे षष्ठी। अनेन

'पत्नी दुहितर' इत्यत्र सर्वत्र मृतनिरूपितप्रत्यासत्त्यतिशयस्यैव क्रमेण धनग्रहणाधिकारितावच्छेदकत्वं विवक्षितं मूलकृत इति सूचितम् । **तदभावे पितेति** । अत एव च **मनुना** पितुरनन्तरमेव भ्रातुर्ग्रहणं कृतम् । यदि तु पूर्वं पितुस्ततो मातुरिति क्रमोऽत्र स्यात्तदा तदनन्तरं तदुक्तिरसङ्गतैव स्यात् । इदमेव ध्वनयितुमग्रिमव्याख्यानेऽव्यवहितं **मनु**मेव वक्ष्यति । इदं सर्वं प्रागुक्त**शंखवाक्यस्थे** पितरावित्यत्रापि बोध्यम् ।

वस्तुतस्तु आदौ पिता तदभावे मातेति क्रमो युक्तः । किं चेत्यस्यावतरणोक्तयुक्तेः । किं चेत्याद्युक्ततारतम्यसत्त्वेऽपि पुत्रे पित्रवयवबाहुल्यान्मात्रपेक्षया तत्र प्रत्यासत्त्यतिशयात् तदपेक्षया तस्य अभ्यर्हितत्वात् । क्षेत्रजविशेषविषये उक्तवैपरीत्यस्य सत्त्वेन तथा तस्यापि दुर्वचत्वाच्च । किं च । तदेव हि प्रत्यासत्तेर्मूलकारणं, 'मातुर्दुहितर' इत्यात्रापि तथैव **विज्ञानेश्वरेण** प्रतिपादितं च । अग्रे बन्धुपदव्याख्यावसरे "आत्मबान्धवाः पितृबान्धवा मातृबान्धवाः" **वृद्धशातातपा**द्युक्तक्रमेणैव प्रतिपादिताः । स्त्रीधनविभागवैपरीत्येनात्रैवमेवोचितं च । अत एव च **विष्णु-कात्यायनौ** प्रागुक्तौ, "अपुत्रधनं पत्न्यभिगामि, तदभावे दुहितृगामि, तदभावे दौहित्रगामि, तदभावे पितृगामि, तदभावे मातृगामीति"

"अपुत्रस्याथ कुलजा पत्नी दुहितरोऽपि वा । तदभावे पिता माता भ्राता पुत्राश्च कीर्तिताः" ॥ इति च ।

अन्यथा तयोरपि क्रमबोधकत्वेन तद्विरोधो दुष्परिहर एव । एतदनुरोधेन तयोरन्यथा नयनस्य कर्तुमशक्यत्वात् । इदं तु तदनुरोधेनोक्तरीत्या सुयोजमेव ।

देवलोऽपि,—

"तुल्या दुहितरो वाऽपि ध्रियमाणः पिताऽपि च" ॥ इति ।

अत एव च न समुदितयोरधिकारः । अनपत्यस्येति प्रागुक्तं **मानवम्,**

"भार्यासुताविहीनस्य तनयस्य मृतस्य तु । माता रिक्थहरी ज्ञेया भ्राता वा तदनुज्ञया" ॥

इति **बार्हस्पत्यं** च पितृपर्यन्ताभावपरं तत एवेति न विरोधः । तत्र तदनुज्ञयेत्युक्त्या तदभावे नाधिकार इति सूचितम् । **शंख**वाक्येऽप्येवमेवेति बोध्यम् । दौहित्र्यंशे **विष्णु**विरोधोऽपि न । दौहित्रगामीत्यत्रैकशेषघटितसमासेन तस्या अपि परिग्रहात् । दौहित्रांशे **कात्यायन**विरोधोऽपि न । तत्र अपिशब्देनोभयोः समुच्चयात् । तत्र 'पुत्रा' इत्यस्य प्रत्यासत्त्या भ्रातुष्पुत्रा इत्यर्थः । अत्र माता जननी, अभावे सापत्नमाताऽपि । मातृपदोक्तेः ।

अग्रिमं व्याचष्टे । **पित्रभावे इति** । 'भ्रातृपुत्रौ' इत्येकशेषेण प्रागुक्तसिद्धान्तरीत्या पूर्वं भ्राता, तदभावे स्वसा । अत एव—

भ्रातरः "भ्रातरो ये च संसृष्टा भगिन्यश्च सनाभयः" ।

इति संसृष्टिधनविषये वक्ष्यमाणं सङ्गच्छते इति बोध्यम् । **भ्रातर एव वेति** । अत्र वाशब्दः व्यवस्थितविकल्पे इति प्राक् प्रतिपादितम् । 'तदभावे भ्रातृगामीति' **विष्णु**वाक्येऽप्येवमेव बोध्यम् । **कातीये** भ्रातेति स्वसुरप्युपलक्षणं बोध्यम् ।

मातुरभावे पिता धनभागित्युक्तम् । तस्य सिद्धिर्**मन्व**धीना उक्तरीत्येति पित्रभावे इत्यादि एव वेतीत्यन्तं मध्ये उक्त्वाऽन्यैरन्यथा सिद्धान्तितं निराकर्तुं सिंहावलोकनन्यायेनानुवदति । **यत्तु-**

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१ न्या. सू. (१।५।६८)

नरिति । यत्त्वित्यर्थः । **वृत्तायां**, मृतायाम् । **विजातीयेष्वपीति** । मूर्द्धावसिक्तादिष्वपीत्यर्थः । पित्रा गृहीते तद्धनस्य तदीयत्वात् इति भावः । **सजातीयेष्वेवेति** । तया गृहीते तद्धनस्य मातृसम्बन्धित्वेनादौ तद्दुहितॄणां तदभावे दौहित्रादीनां क्रमाद्भवतीति सजातीयानामेव भवतीति भावः । उपसंहरति । **इतीति** । इत्येवं नोराशयादित्यर्थः । **पितामह्येवेति** । मातुरभावे इत्यादिः ।

निराकरोति । **एतदपीति** । प्रागनूदितमित्यर्थः । **आचार्यः न्यायविद्भिश्वरूपाचार्यः** । केनेत्याकांक्षायामाह । **चतुर्भिरीति** । एवं च तेषामपि वचनेनैव धनभागित्वस्योक्तत्वेनोक्तरीत्या परम्परया विजातीयपुत्राणां धनग्रहणेऽपि न दोष इति न तन्मतसम्भव इति भावः । उक्तमनुवाक्यं तु न क्रमपरं, किं तु अधिकारमात्रप्रदर्शकम् ।

यद्वा । मात्रनन्तरं पितृभ्रातृतत्सुताः क्रमेण धनभाजस्तेषामप्यभावे पितामही हरेदित्येवमध्याहृत्य व्याख्येयम् ।

यद्वा । नाध्याहारोऽपि, किं तु 'पितुर्मातै' त्यत्र पितृशब्दे तन्त्रम् । तत्रैकः पितरं तदपत्यं पुत्रं पौत्रं च लक्षयति । अनन्तरमिति शेषः । पितुर्मातेत्येतत्पदद्वयं तु तदनन्तरं पितामह्या धनसम्बन्धं बोधयतीति गम्यते । यतः सूत्रप्राया मुनीनामुक्तिः । अत एव पितामहीत्येव नोक्तमिति केचित् ।

वस्तुतस्तद्वचनस्य स्वरसार्थ उक्तप्रकारत्रयं विनाऽपि प्राक् व्याख्यात इति बोध्यम् ।

अव्यवहितार्थे प्रसक्तमनुविरोधं परिहरति । **यत्पुनरिति** । प्राग्वत् । **नित्यं** सर्वथा **स्थितिः** शास्त्रमर्यादा । **तन्नृपेति** । राजपदोक्तेः, 'सर्वेषामप्यभावे त्विति' वक्ष्यमाणमानवात् अग्रे तदुक्तेश्चेति भावः ।

एवं परमतं निराकृत्य पित्रभावे भ्रातर इति प्रागुक्तं बहुवचनान्तं भगिनीनामपि विभागं सूचयितुं विशदयति । **भ्रातृष्वपि सोदरा इत्यादिना** । **मात्रा** कृतात् ।

अथाग्रिमं व्याचष्टे । **भ्रातॄणामपीति** । 'तदभावे भ्रातृपुत्रगामीति' **भिन्नोदरा भ्रातरः विष्णुरप्युक्त** एव । **तत्पुत्रा इति** । भ्रातुः पुत्राः कन्याश्च, स्वसुः पुत्राः कन्याश्चेत्यर्थः । उक्तन्यायेनाह । **पितृक्रमेणेति** । सोदरासोदरपितृक्रमेणेत्यर्थः ।

यत्तु 'अनेकपितृकाणामिति' पूर्वोक्तन्यायेन तत्सुतानामेकत्वे अवैलक्षण्येऽपि द्वित्वे बहुत्वे च स्वस्वपित्रादिद्वारा भागकल्पना न स्वस्वरूपत इत्यर्थ इति । तन्न । भ्रातॄणां पूर्वमृतत्वेन भ्रातृधने स्वत्वानुत्पत्त्या भ्रातुष्पुत्राणामेव स्वामिनाशेन स्वत्वोत्पत्त्या पितृक्रमेण विभागानर्हत्वेन तद्विषयत्वात् । तस्य पितृस्वत्वास्पदद्रव्यविषयत्वात् । स्फुटीभविष्यति चेदमनुपदमेव ।

सर्वत्रान्वितैवशब्दार्थे सिंहावलोकनन्यायेनात्रैवाशोकवनिकान्यायेन विशदयति । **भ्रातुभ्रातुष्पुत्रेति** । मृतस्य भ्रातॄणां प्रमीतपितृकाणां केषांचित् भ्रातुष्पुत्राणां च सद्भावे इत्यर्थः । **अधिकारवचनादिति** । "भ्रातरस्तथा तत्सुताः" इत्यनेन तदभावे एव तेषामधिकारप्रतिपादनात्, एवशब्देन तत्सत्त्वे तेषां तत्त्वनिरासप्रतिपादनाच्चेत्यर्थः । अयं न्यायः सर्वत्र बोध्यः ।

यत्र मृतस्यैको भ्राता विद्यमानोऽनेके वा, प्रत्येकं तत्पुत्रश्चैकोऽनेके वा, तद्विषयमिदं भ्रातृभ्रातुष्पुत्रेति नातिप्रसङ्ग इति सूचयन् अनेकभ्रात्रादौ स्थलविशेषे विशेषमाह । **यदा त्विति** । विभक्तादीनां बहूनां भ्रातॄणां मध्ये एकस्मिन्नित्यादिः । **अपुत्रे**, अपत्न्यादिके च । **धनविभागा-**

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१ क-फ-ख-मातामह्या ।

दिति। मृतभ्रातृसम्बन्धिधनविभागात्पूर्वमेवेत्यर्थः। **कश्चित्** अन्यः। तत्पुत्रास्तु सन्तीत्याह। **तदा तत्पुत्राणामिति**। अनुपदोक्तस्योभयसत्त्वे तेषामनधिकारात् भ्रातर एव विभज्य गृह्णीयुर्न तत्पुत्रा इत्यस्य च विषयता यद्यपि प्राप्ता तथापि पितृधनविभागप्रकरणोक्तन्यायविषयत्वसत्त्वात्तेन न्यायेनाह। **पितृत इति**। युक्तत्वे हेतुः प्राप्तिः। तथा च तेषां स्वांशलाभस्तत्पुत्राणां च स्वपित्रंशलाभ इति भावः।

अथाग्रिमं व्याचष्टे। **भ्रातुष्पुत्राणामपीति**। गोत्रजपदार्थं स्वरीत्याऽऽह। **पितामहीति**। भिन्नं पदम्। एतदग्रे स्नुषा बोध्या। एवमग्रेऽपि। तथा च चत्वार इत्यर्थः। तत्र क्रममाह। **तत्रेति**। तेषां मध्ये इत्यर्थः। यद्यपि **धारेश्वर**मतनिराकरणावसरे एवापेक्षितत्वा-

गोत्रजाः। पितामही

द्वक्तुमुचितमिदं तथापि तत्र हृदयारूढमेव कृत्वाऽत्र, **मनुना** मात्रनन्तरं पितामह्या धनग्रहणस्योक्तत्वाद्भ्रातृसुतानन्तरं कथं तस्या धनग्रहणोक्तिरित्याशंकानिरासायाह। **मातर्यपि चेति**। **इति** इत्यनेन तत्क्रमबोधकेन **मनुना**। **अनुप्रवेशाभावादिति**। यद्यपीदं तदग्रेऽपि तुल्यं तथापि बन्ध्वाद्युत्तरं तस्याः प्रवेश स्योक्तरीत्याऽन्तरङ्गत्वेन चासम्भवेन बन्धुशब्देन वक्ष्यमाणरीत्या ग्रहणासम्भवेन गोत्रजानन्तरं प्रवेशस्य तथैवासम्भवेन गोत्रजात्वस्य तत्र सत्त्वेनान्तर्भावसम्भवात् तत्रैव ग्रहणं युक्तमिति भावः।

ननु बद्धक्रमाणामपि पञ्चचितीनां मध्ये यां वैकां चिदिति विहितोपधानं मध्यमचितौ यथा, तथाऽत्रापि स्यात्, अतो हार्दमेवाह। **पितुर्मातेति**। मानवस्येति भावः। **अधिकारमात्रेति**। तद्बोधनमात्रेत्यर्थः। इदमुपलक्षणं प्रागुक्तान्यपक्षाणामपि। **कार्तीयै**कवाक्यतया तस्य क्रमपरत्वमपि न तद्वत् श्रौतं, विनिगमनाविरहग्रस्तं, सिद्धान्तरीत्या सर्वं सुयोजं च। एतेन पित्रादीनामित्यादि चिन्त्यं, चित्युपधानविरोधात्, कार्तीयैकवाक्यतया तस्य क्रमपरत्वाच्चेति **भ्रान्तोक्त**मपास्तम्। उत्कर्षे तत्सुतानन्तरमिति पाठः। उत्कर्षे इत्यस्यावश्यके इत्यादिः। उपरितनमृतानन्तरमिति पाठान्तरम्। उपरितनाः पित्रादयो भ्रातृसुतपर्यन्तास्तन्मरणानन्तरमिति तदर्थः।

अविरोधादिति। गोत्रजत्वस्य तत्र सत्त्वेन केनापि सह विरोधाभावादित्यर्थः। उक्त**मनो**-नोरुक्ताशयकत्वेन वस्तुतः क्रमे तात्पर्याभावेन मूलकृता पुत्राद्यभावे पत्न्यादीनां केषांचित्तदधिकारमुक्त्वा पितराविति एकशेषेण तयोरत्यन्ताव्यवधानोक्त्या मध्ये परोक्त**मनू**क्तक्रमेण तत्प्रवेशासम्भवात्तदनन्तरमप्येकगोत्रत्वे सति स्वपितृकुलत्वेनात्यन्तान्तरङ्गत्वादानन्तर्यपाठात्पूर्वभावे इति वाक्यशेषाच्च तत्सुतान्तानामुक्त्या दृष्टक्रमत्वेनैव तेषां मध्ये तस्याः प्रवेशस्य दुष्करत्वात्तत्पर्यन्तमपकृष्य पृथगनुक्ताऽपि सती सा आपाततः परोक्तमनुप्रतीतक्रमस्यातः परं बाधे मानाभावात्तत्परं गोत्रजा इति पाठात् म[illegible] प्रतीतत[illegible]क्रमानुसारेण पितामहाद्यपेक्षया पितामह्या एव सन्निहितत्वा[illegible] तदनन्तरमेव धनभागिति भावः। प्रागुक्तसिद्धान्ते तु न कापि शङ्केति बोध्यम्। एतेन मृतस्य पितृसन्तानात्पूर्वं पित्रनन्तरं मातुरधिकारोक्त्या पितामहसंतानात्पूर्वं पितामहादनन्तरं पितामह्या अधिकारः सूचितः। अन्यथा पितरौ भ्रातर इति क्रमविरोधापत्तिः। अत एव च "मातर्यपीति, **मनु**रपि सङ्गच्छते" इति **प्राच्योक्त**मपास्तम्। उक्तरीत्या निर्वाहात् तदर्थाज्ञानाच्च।

अत्र केचित्। दौहित्रानन्तरं मातापितरौ धनग्रहणे युगपदधिकारिणौ। उभयोरपि संनिहितत्वात्। अत एव तौ विभज्य गृह्णीयातां न तु माता पूर्वं तदभावे पितेत्येवमुक्तक्रमः। इदमेवाभिप्रेत्य **मूले** पितराविति एकशेषः कृतः।

तत्र क्रमाप्रतीतौ पाञ्चमिकन्यायोऽपि । तथा हि । पञ्चमाद्यपादसप्तमाधिकरणम् । " मुख्यक्रमेण चाङ्गानां तदर्थत्वात् " । सारस्वतौ भवत इत्यनेन पुरोडाशहविष्कं यागद्वयं विहितम् । सरस्वती देवताऽस्य सारस्वतः पुरोडाशः । सरस्वान् देवताऽस्य सारस्वतः । स च स च तौ सारस्वताविर्त्येकशेषः । एवं सति स्त्रीदेवत्ययाज्यानुवाक्यायुगलमाम्नाये आदौ पठित्वा पुन्देवत्ययाज्यानुवाक्यायुगलं पठितमिति मन्त्रपाठानुसारेण यागानुष्ठानक्रम इत्येतावानधिकरणविषयमूलविभागः ।

इतः परमधिकरणाचिन्ता । पुरोडाशयज्ञस्येष्टिविकृतित्वात्प्रकृतिवदित्यतिदेशेन चतुरो मुष्टीन्निर्वपतीति विहितो निर्वापस्तत्र प्राप्तः । तत्र सन्देहः । किमनियमेन निर्वापः कर्त्तव्य उत स्त्रीदेवत्यनिर्वापं कृत्वा पुन्देवत्यनिर्वाप इति । तत्रातिदेशप्राप्तनिर्वापे क्रमाप्रतीतेरनियमेन निर्वाप इति **पूर्वपक्षे—**

राद्धान्तः । मुख्ययागक्रमेणैव निर्वापः कार्यः । तयोस्तु याज्यानुवाक्यायुगलपाठक्रमेणानुष्ठानक्रमः । अतः प्रमितक्रमाविरोधाय मुख्यक्रमानुसारेणैव निर्वापानुष्ठानक्रम इति ।

एवं च तत्राधिकरणे सारस्वतावित्युत्पत्तिवाक्ये एकशेषसत्त्वेन क्रमाप्रतीत्या यथा तद्युगलपाठक्रमेण यागयोरनुष्ठानक्रमोऽङ्गीकृतस्तथाऽत्रापि पितरावित्यत्र तत्त्वेन तदप्रतीत्या सामान्यतो दौहित्रानन्तरं मातापित्रोर्युगपद्विभज्य धनप्राप्तिस्तदभावे भ्रातॄणामित्यादीति ।

प्रागुक्तन्यायमूलमिदं मूलवाक्यं **कात्यायन**वचनेनापोद्यते । सामान्यन्यायापेक्षया वचनस्य प्राबल्यात् । वचनं च विभक्ते संस्थिते द्रव्यमिति प्रागुक्तमेव । तस्य चायमर्थः । पुत्रग्रहणमासन्नतरोपलक्षणार्थम् । तेन पुत्रपौत्रप्रपौत्रपत्नीदुहित्रदौहित्रदौहित्र्यभावे प्रथमं पिता धनभाक् ततो माता ततो भ्रातेत्यादीति । व्याख्याकृदुक्तव्याख्याने दोषा अपि । तथा हि । यत्तु साधारणत्वासाधारणत्वाभ्यां ततस्तस्याः प्रत्यासत्त्यतिशय उक्तः, तन्न । जननीजनकयोर्जन्यं प्रति सन्निकर्षतारतम्याभावात् । यदपि गोत्रजपदार्थान्वयः तत्र तदादितदन्तानां बद्धक्रमत्वेन मध्ये तस्या अप्रवेशेन **मनू**क्त्या मात्रनन्तरं सा धनं न प्राप्नोति अपितूत्कृष्टा सती भ्रातृसुतानन्तरं प्राप्नोतीति । तदपि न । गोत्रजा इति सरूपैकशेषत्वेन पुंसामेव ग्रहणात् । तथा च पूर्वोक्तभ्रातृसुतैः सह गोत्रजानां पुरुषत्वेन बद्धक्रमत्वाविशेषेण तत्रापि तस्याः प्रवेशासम्भव एवेति दिगित्याहुः ।

इदमयुक्तम् । न हि तावदेकशेषे क्रमाप्रतीतिः । विग्रहवाक्येऽनेकशेषपक्षे च मातुः पूर्वपाठादेव तत्प्रतीतिसम्भवात् । अधिकरणविरोधोऽपि न । विषयभेदात् । तत्र हि सारस्वतश्च सारस्वतश्चेति सरूपैकशेषसत्त्वाद्विग्रहवाक्येऽपि न क्रमप्रतीतिरतः को वा क्रम इत्याकाङ्क्षायां श्रौतो मन्त्रक्रमो युक्त इति तत्क्रमेण यागानुष्ठानक्रमो निरूपितो न तु सर्वत्रैकशेषे क्रमप्रतीत्यभावस्तदभिप्रेतः । अत्र तु पितामात्रेति विजातीयैकशेषसत्त्वाद्विग्रहवाक्यादावश्यं क्रमप्रतीतेः स क्रमो युक्त एव ।

यच्चोक्तं जननीजनकयोरिति । तदपि न । यतो गर्भधारणपोषणादिभिरत्यावश्यकत्वेन जन्येऽतिशयोत्कर्षमुत्पादयति माता, पिता तु निषेककृदेव । अदृष्टात् दृष्टस्यैव प्राबल्येन दृष्टोपकाराधिक्यान्मातुः सन्निकर्षातिशयोऽस्ति ।

यदपि गोत्रजा इतीत्यादिनोक्तम्, तदपि न । विजातीयानामपि स्त्रीणां पुंसां च एकविभक्त्यन्तत्वाविरोधात् । गोत्रजा इति जातिद्रव्यगुणा इतिवदत्रापि तथा बद्धक्रमता । यतः पित्रादितत्सुतान्तानां स्वसन्निहितत्वात्स्वपितृकुलत्वाच्चान्तरङ्गत्वेन बद्धक्रमत्वं न पुंस्त्वेन नापि पाठमात्रेण,

अतस्तत्सुतानां गोत्रजानां च न बद्धक्रमता । अतः पत्न्यभावे दुहिता, तदभावे दौहित्रः, तदभावे माता, तदभावे पिता, तदभावे भ्राता, तदभावे तत्सुताः, तदभावे पितामहीत्येव क्रमः ।

तथा च **बृहस्पतिः**—

"भार्यासुतविहीनस्य तनयाऽस्य मृतस्य तु । माता रिक्थहरी ज्ञेया भ्राता वा तदनुज्ञया"॥ इति ।

अस्यार्थः । सुतविहीनस्य मृतस्यास्य धनहरी भार्या, तदभावे तनया, तदभावे तत्पुत्रः, तदभावे माता, मात्रनुज्ञया मृतस्य भ्राता वा । भ्रात्रा गृहीतेऽपि मात्रनुज्ञया गृहीतत्वादेव मात्रा गृहीतमेवेति मातुरेव पितुः पूर्वं धनभाक्त्वमिति ।

यत्तु **बृहस्पति**वाक्येऽपि तनयाशब्दो दुहितृदौहित्रपितॄणामुपलक्षक इति । तन्न । अनुपपत्त्या हि लक्षकत्वं शब्दानाम् । एवं च सर्वत्राविवादेन दुहितुरभावे दौहित्रस्य धनभाक्त्वं वचनेष्वविशिष्टमिति दुहित्रनन्तरं स्मृत्यन्तरविरोधरूपानुपपत्त्या दुहितृदौहित्रयोरेवोपलक्षको न पितुः । तावतैवानुपपत्तेः परिक्षायत् । तत्परिक्षयश्च **मानवा**दिवाक्यान्तरेषु पितुर्दौहित्रानन्तर्यस्यानियतत्वेन । अतो यावत्यर्थे लक्षितेऽनुपपत्तिशान्तिस्तावानेव तनयाशब्देन लक्ष्यत इति न सर्वथा पितुर्दौहित्रानन्तरं प्रतीतिः ।

यच्च **कातीयं** 'विभक्ते संस्थिते' इति तदपि वाबलान्न क्रमपरम् । अपि तु वचनोक्ता अधिकारिण इत्येवमधिकारमात्रप्रदर्शनपरमेव । विकल्पाभावेऽप्यपिशब्दार्थो वाशब्दाः, न तु परोक्तरीत्या पूर्वपूर्वाभावपरास्ते । अभावे वाशब्दस्य शिष्टैरप्रयुज्यमानत्वात् । अप्यर्थे कोशात् प्रयोगाच्च । अथशब्दोऽप्यानन्तर्यपरो न मात्रनन्तरमेव पितामह्या धनसम्बन्धम् आह । तस्योक्तरीत्याऽक्रमपरत्वात् । अतस्तत्सुतानन्तरमेवाविरोधाद्धनसंबन्धं बोधयतु तथापि स्वार्थाहानात् । क्रमादिति च मूलपर्यालोचनया मूलोक्तमविरुद्धमेव क्रमं बोधयति, न स्ववाक्यस्थम् । क्रमादिति सामान्योक्तेर्मूलोक्तविशेषेण बाधनात्, तत्रोपसंहाराच्चेति दिक् । तस्माद्व्याख्यानोक्तमेव युक्ततरमिति विज्ञानेश्वरानुयायिनोऽप्ये[1] आहुः ।

वस्तुतस्तु प्रागुक्तरीत्या स क्रमो न युक्तः किं तु स एवेति प्रागुक्तमेव । एकशेषे क्रमाप्रतीत्या द्वयोर्युगपत्त्वप्रतीतावपि प्रागुक्तविष्णुकात्यायनाभ्यां तथा क्रमस्य स्फुटतया प्रतीतेः । विभक्ते संस्थिते इति कात्यायनवचनमप्युक्तार्थेऽनुकूलतरम् । तस्य चार्थः प्रागुक्त एव न भवदुक्तः । मूले एकशेषस्तु लाघवेन छन्दोनुरोधेन च कृतो नोक्ताशयकः । पाञ्चमिकन्यायस्य तूक्तरीत्यैव विषय इति न न्यायमूलकत्वमपि मूलस्य ।

किं च । प्रागुक्तरीत्या जननीजनकयोर्जन्यं प्रति संनिकर्षतारतम्यमस्त्येवेति तदुक्तमयुक्तमेव । यत्तु गर्भधारणेत्यादि तन्न । गर्भधारणस्य पोषणस्य चातिप्रसक्तत्वेनाकिञ्चित्करत्वात् । अत एव बीजस्यैव प्राधान्यं सिद्धान्तितं **मनुना** । अत एव च माता न स्त्रीत्यादि सङ्गच्छते ।

यत्तु गोत्रजा इति सरूपैकशेषत्वेन पुंसामेव ग्रहणमिति तन्न । तथा सति पितरावित्यत्रापि तदापत्तेः । अथ अत्र 'पितामात्रे'[2]त्येकशेषो विशेषविहित इति चेत्, इहापि 'पुमान् स्त्रिया'[3]इति विशेषविहित इति पश्य ।

यदपि विजातीयानामपीत्यादि । तदपि न । सरूपैकशेषाभावेनैकविभक्त्यन्तत्वानुपयोगात् । तत्रापि तस्यानिमित्तत्वाच्च । दृष्टान्ते[4] द्वंद्वसत्वेन लिङ्गभेदेऽपि प्रथमान्तत्वस्यावश्यकस्य सत्त्वेन ततो

१ सुबोधनी (पृ. ७४ पं. १८।१९) २ व्या. सू. (१।२। ७०) ३ व्यास. (१।२।६७) ४ ड—दृष्टान्तेन लिङ्गभेदेऽपि ।

वैषम्याच्च । गोत्रजानां तत्सुतैः सह बद्धक्रमत्वाभावस्तूक्तरीत्यैव । **बृहस्पति**वचनमप्यस्मत्क्रमेणानुकूलं न भवताम् । यतो मात्रनन्तरं तत्र भ्रातैवोक्तो न पितेति । तत्र तुशब्दस्य चार्थकत्वेन तनया चेत्यन्वयेन चेन दुहितृदौहित्रदौहित्रीपितॄणां समुच्चयेन विरोधलेशोऽपि न ।

एतेन तनयाशब्दस्योपलक्षकत्वोक्तिः तद्दूषणोक्तिश्चापास्ता । उक्तरीत्यैव निर्वाहात् । तस्मात्तत्र तथैव क्रमो युक्तो न व्याख्याकारोक्त इति बोध्यम् ।

यद्यपि **कल्पतरौ दायविभागे** च **विष्णु**वाक्ये ' भ्रातृपुत्रगामीत्यग्रे तदभावे बन्धुगामि तदभावे सकुल्यगामीति ' पाठेन तद्विरोधस्तथापि ' तदभावे सकुल्यगामि तदभावे बन्धुगामीति ' **मदनरत्न**धृतपाठे न विरोधः । युक्तश्चायं मूलसंवादात् । सम्भवतीति न्यायात् । एवं च स पाठश्चिन्त्य एवेति न कश्चिद्दोषः । गोत्रजपदार्थसकुल्यपदार्थयोस्तुल्यत्वात् । एतेन तथा पाठं धृत्वाऽन्यथा व्याख्यातं यद् **भ्रान्तेन,** तदपास्तम् इति दिक् ।

' पितामह्याश्चेति ' **चेन** स्नुषायाः समुच्चयः । सपिण्डत्वस्यातिप्रसङ्गत्वेन मौलपदानुरोधेनाह । **समानेति** । तत्र हेत्वन्तरमप्याह । **भिन्नेति** । **सपिण्डानां** तेषामपि । अस्य फलमग्रे स्फुटीभविष्यति । तत्सुतानन्तरं तस्या धनग्राहित्वे निष्प्रत्यूहे तदारभ्य क्रमं

पितामहादयः विविच्याह । **तत्र चेति** । तदुत्तरम् उक्तरीत्या तस्या धनग्राहित्वे चेत्यर्थः । ततोऽन्तरङ्गाभावमाह । **पितृसन्तानाभावे इति** । स च तत्सुतान्तः । सम्भवादाह । **पितृव्या इति** । सापिण्ड्यस्य तावत्पर्यन्तमेव सत्त्वादाह । **आ सप्तमादिति** । सप्तममभिव्याप्येत्यर्थः । अयमेव न्यायः सोदकेष्वपि बोध्यः ।

ते च समानोदकास्तु । ननु एवमपि न्यूनतैव, अत आह । **जन्मनामेति** । सपिण्डानामुपरीत्यनुवर्तते । तथा च सप्तपुरुषान्तरं यावज्जन्म नाम च स्वकुले ज्ञायते तावद्वा समानोदकसंज्ञका इत्यर्थः । उभयत्र मानमाह । **यथाहेति** । सप्तमे पुरुषे इति मासिकमितिवत्सामीपिकमधिकरणं, तदग्रिमे निवर्तते इत्यर्थः । **च**स्त्वर्थे । चतुर्दशानां पूरणं तदग्रिमश्चतुर्दशस्तस्मात् आ उर्ध्वं निवर्ततेत्यर्थः । अधिकसंग्रहाय पक्षान्तरमाह । **जन्मनाम्नोरिति** । आ इत्यनुवर्तते । जन्मनाम्नोः स्मृतेर्ज्ञानात् आ ऊर्ध्वं स निवर्ततेत्येके आहुरित्यर्थः । तथा च **स्मृ**त्यन्तरानुसन्धानद्वारा विकल्पः फलितः । स चाधिकसंग्रहाय न तु न्यूनसंग्रहाय । तदग्रे उक्तेः । अन्यतरस्यातिप्रसङ्गत्वादुभयोः समुच्चयो बोध्यः । तच्छब्देन पक्षभेदेनान्यतरपरामर्शः । **गोत्रं** सगोत्रत्वम् । ' अर्श आद्यच्, ' (व्या. सू. ५।२।१२७) सामान्ये एकत्वं क्लीबत्वं च ।

अथाग्रिमं व्याचष्टे । **गोत्रजाभावे इति** । बहुवचनान्तेन द्वन्द्व इत्याह । **बन्धव इति** । **च**स्त्वर्थे । **वृद्धशातातपा**द्युक्तक्रमेणाह । **आत्मबन्धव इति** । बान्धवाश्चेति पाठान्तरम् । तमेवाह । **यथोक्तमिति** । अत्र पुत्रादिग्रहणेन कन्यानामपि ग्रहणं प्रागुक्तरीत्येति बोध्यम् । अत एव गार्गीबन्धुः कारीषगन्धीबन्धुरित्यादिसङ्गतिः । तत्र क्रमे बीजमाह । **तत्र चेति** । तेषां मध्ये चेत्यर्थः । प्रत्यासत्त्यतिशयात् अन्तरङ्गत्वम् । प्रागुक्तसिद्धान्तरीत्या आह । **तदभावे पितृबन्धव इति** । अत एव वृद्धशातातपाद्युक्तिरपि सङ्गतेति भावः । एतेनादौ बन्धुगामीति धृत्वा तेनात्मभगिनीभागिनेयादीनामपि सगोत्रसपिण्डादिक्रमेण ग्रहणं व्याख्यायेदं चिन्त्यं तेषु सत्सु तेषां विप्रकर्षेण तथाक्रमानौचित्यादिति **भ्रान्तो**क्तमपास्तम् । आत्मभगिन्यादेः पूर्वमेवोक्तत्वात् ।

१ ख-क-सुतैः सह ।

यद्यपि 'भ्रातृबान्धवयोर्बन्धुरिति' **विश्वादि**कोशाद्बन्धुशब्दो बान्धवपरतयैव व्याख्यातो व्याख्यात्रा, भ्रातॄणां पूर्वमुक्तत्वात्, तथापि तस्य तावन्मात्रार्थत्वे बान्धवशब्दे एव वाच्ये बन्धुशब्दोक्त्या भगवतो ऽन्योऽप्यर्थो ऽत्राभिप्रेतः । न च तत्त्वमप्रसिद्धं, ब्रह्मबन्धुरित्यादिप्रयोगात् । 'आत्मैवात्मनो बन्धुरि'त्यादिप्रयोगाच्च । तथा च प्रियकारिण्यपि तत्प्रयोगात्प्रकृते तत्त्वेन स्मृत्यन्तरानुरोधेनाचार्योऽपि । कृतैकशेषेण द्वन्द्वकरणात् तदर्थोऽभिमत इति गूढाशयेनाह । **बन्धूनामिति** । उक्तविधबान्धवानामित्यर्थः ।

अथाग्रिमं व्याचष्टे । **तदभावे शिष्या इति** । अत्रापि कृतैकशेषेण तथा द्वन्द्व इति भावः । तेनानेकसजातीयसत्त्वे विभज्य तैर्ग्राह्यम् । तदेव स्मृत्यन्तरमाह । **पुत्राभावे इति । यः प्रत्यासन्नः सपिण्ड इति** । अनेन पत्न्यादिबान्धवान्तानां संग्रहः । तस्य ततो मुख्यत्वायाह । **आचार्याभावे इति** । 'अनन्तरः सपिण्डाद्य' इत्यग्रिमो **मनु**रपि– (अ. ९ । १८७)

"अत ऊर्ध्वं सकुल्यः स्यादाचार्यः शिष्य एव वा" । इति ।

अथाग्रिमं व्याचष्टे । **शिष्याभावे इति** । सब्रह्मचारीत्येकवचनमन्तेवास्याभिप्रायम् । सन्दिग्धत्वात्तदर्थमाह । **येनेति** । साहित्यं प्राप्तौ । **तदर्थेति** । वेदार्थेत्यर्थः । **ब्रह्म** वेदः । तदध्ययनार्थं व्रतमपि ब्रह्म । तच्चरतीति ब्रह्मचारी । समानश्चासौ ब्रह्मचारी च सब्रह्मचारी । 'व्रते' इति । (व्या. सू. ३।२।८०) 'सुप्यजाताविति' (व्या. सू. ३।२।७८) वा णिनिः । 'चरणे ब्रह्मचारिणीति' (व्या. सू. ६।३।८६) सादेशः । तस्य समानत्वं वेदस्य व्रतस्य वा समानत्वात् । तस्य तत्त्वं चाध्येतृभेदाद्वेदभेदं व्रतभेदं वा परिकल्प्य बोध्यम् । तेन समानवेदाध्ययननिमित्तब्रह्मचर्यवानित्यर्थः । समानं ब्रह्म वेदाध्ययनार्थं व्रतं चरतीत्यर्थो भाष्याल्लभ्यते ।

अत्र कृतैकशेषबहुवचनान्तसब्रह्मचारिशब्देन द्वन्द्वः । अन्यथा तद्बोधकं शब्दान्तरमेवोक्तं स्यात् । तत्रैकस्यार्थ उक्तः । द्वितीयस्य तु समानं ब्रह्म श्रौतं कर्म चरतीति ऋत्विग् इति । अत एवा "अन्तेवासी ऋत्विग्व्याहरेदिति" **शङ्काः** सङ्गच्छते । तृतीयस्य तु ब्रह्म वेदस्तेन सहितं विशिष्टं सब्रह्म वेदतदङ्गानि तच्चरति जानातीति सः श्रोत्रिय इति । तुरीयस्य तु ब्रह्मचारिणा सह सदृशः सब्रह्मचारीति । तदेतत्सर्वं शिष्यबुद्धिवैशद्यार्थं द्वितीयविशेषं च हृदि निधाय गूढाशयेन न्यूनतां परिहरन् तदग्रिमविशेषद्वयं सविशेषमाह क्रमेण । **तदभावे ब्राह्मणद्रव्यमिति । यःकश्चित्**, स्वपरजातिसाधारणो ब्राह्मणः । **श्रोत्रियाः** वेदतदर्थज्ञः । तद्बहुत्वेऽसति गमके विभज्य गृह्णीयुरित्याह । **श्रोत्रिया इति** । ब्राह्मणा इत्यर्थः ।

ब्राह्मणा एवेति । मात्रमवधारणे । तेन श्रोत्रियत्वव्यवच्छेदः । शिष्य एव वेत्यग्रिमं **मनु**माह । **यथाहेति । सर्वेषां** पत्न्यादिश्रोत्रियान्तानाम् । तस्येति भावः । **अपि**रेवार्थे व्युत्क्रमे । ब्राह्मणा एव । बहुवचनं प्राग्वत् । वेदाध्ययनधर्मानुष्ठितिमात्रमत्राप्यपेक्षितमित्याह । **त्रैविद्या इति** । वेदत्रयाध्ययनकर्तारः । **शुचयः** धर्मानुष्ठातारः । अन्तरिन्द्रियनिग्रहोऽप्यावश्यक इत्याह । **दान्ता इति** । **तथा** तथा सति । राज्ञेति शेषः । तस्मादिति पाठे राज्ञ इत्यर्थः । अन्यथा तु हानिरेवेति भावः ।

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१ भगवद्गीतायां अ. ६ श्लो. ५

तदेव ध्वनयन्नाह। **न कदाचिदिति**। **राजा** अभिषिक्तः। श्रोत्रियोऽपीत्यर्थः। न हीयते इत्यग्रिममेवाह। **अहार्यमिति**। अग्राह्यमित्यर्थः। **नित्यं**, सर्वथा। **स्थितिः** मर्यादा। उक्तमेव विशदयन् त्रैविद्यत्वादिगुणाभावेऽपि जातिब्राह्मणोऽप्यधिकारीति सूचयन् उक्तार्थे मानान्तरमप्याह। **नारदेनाप्युक्तमिति। ब्राह्मणार्थस्येति**। तस्य स्वामिनो ब्राह्मणस्य नाशे सति। **चेत्**, यदि ब्राह्मणार्थस्य तद्धनस्य कश्चन दायादो नास्ति, तदा तद्धनं ब्राह्मणायैव दातव्यमित्यर्थः। यद्वा। तदिति भिन्नं पदम्। नाशे इत्यत्र स्वामिन इति शेषः। **तत्** ब्राह्मणधनम्। सामान्येन नपुंसकत्वनिर्देशः। विधेयलिङ्गं वा। **अन्यथा**, स्वयं हरणे।

ब्राह्मणद्रव्यमित्युक्त्याऽऽकांक्षितविशेषमाह। **क्षत्रियादीति**। पत्न्यादीनामित्यादिः सब्रह्मचारिपर्यन्तानामित्यस्य। स्थितिरित्यग्रिममेवाह। **यथाहेति। इतरेषां** प्रागुक्तब्राह्मणभिन्नानाम्। धनमिति शेषः। **सर्वाभावे** पत्न्यादिसब्रह्मचारिपर्यन्तानामभावे। अत्र **मन्व**नुरोधेन **गौतमस्य** ब्राह्मणपरत्वं, मनोरपि श्रोत्रियपरत्वं त्रैविद्या इत्यादिना स्पष्टमेव। एवं च तदुभयं तत्रैव साधकम्। शुद्धब्राह्मणपरस्तु **नारद** एवेति परे। एवं मूलोक्तक्रमे न कोऽपि दोष इति स्थितम्।

अत्र पुत्राद्येतावत्पर्यन्तं यदुक्तं तच्छेषतया किञ्चित्सिद्धान्ततत्त्वं गूढतममभिमतं स्पष्टार्थमुक्तार्थानुवादसहितमुच्यते।

पुत्रपौत्रप्रपौत्राणां विविधफलानि—दायहरणं, जीवतो वाक्यादिकरणं, वंशविच्छित्तिपरिहरणं, पिण्डादिकरणं, नामसङ्कीर्तिकरणम्, ऋणादिदोषनिवृत्तिकरणं, परलोककरणं चेत्यादीनि स्मृत्यादौ प्रतिपादितानि। तत्र **मनुः**,— (अ० ९ श्लो० १६३।१८५)

"एक एवौरसः पुत्रः पित्र्यस्य वसुनः प्रभुः। शेषाणामानृशंस्यार्थं प्रदद्यात्तु प्रजीवनम्" ॥इति।

"न भ्रातरो न पितरः पुत्रा रिक्थहराः पितुः" ॥ इति च।

अत्र द्वितीयेन दायहरणं सर्वेषामविशेषेण प्रतिपादितं प्रतिनिधीनां क्रमेण तत्तदभावे। औरसस्य तु पूर्वेणैव।

मूलमपि प्रागुक्तमेव— (याज्ञ. अ. २ श्लो. १२८।१३३)

"औरसो धर्मपत्नीजस्तत्समः पुत्रिकासुतः। क्षेत्रजः क्षेत्रजातस्तु सगोत्रेणेतरेण वा ॥

"गृहे प्रच्छन्न उत्पन्नो गूढजस्तु सुतः स्मृतः। कानीनः कन्यकाजातो मातामहसुतो मतः ॥

"अक्षतायां क्षतायां वा जातः पौनर्भवः सुतः। दद्यान्माता पिता यं वा स पुत्रो दत्तको भवेत् ॥

"क्रीतश्च ताभ्यां विक्रीतः कृत्रिमः स्यात्स्वयंकृतः। दत्तात्मा तु स्वयंदत्तो गर्भे विन्नः सहोढजः ॥

"उत्सृष्टो गृह्यते यस्तु सोऽपविद्धो भवेत्सुतः। पिण्डदोंऽशहरश्चैषां पूर्वाभावे परः परः ॥

"सजातीयेष्वयं प्रोक्तस्तनयेषु मया विधिः।" इति।

अत्र तत्सम इत्युक्त्या[1] औरसपुत्रिकापुत्रसमवाये समविभागः सूचितः।

अत एव **मनुः**, (अ. ९। १३४)

"पुत्रिकायां कृतायां तु यदि पुत्रो ऽनुजायते। समस्तत्र विभागः स्यात् ज्येष्ठता नास्ति हि स्त्रियाः" इति।

द्विविधः क्षेत्रजः तत्समवाये षष्ठपञ्चमान्यतरांशहरः। अन्ये चतुर्थांशहराः। तदभावे तु प्रागुक्तरीतिरेव। यद्यपि। 'विभागं चेदित्यादिना'— (याज्ञ. २। ११४)

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१ ख-फ-यत्सम इत्युक्त्या।

" विभागभावना ज्ञेया गृहक्षेत्रैश्च यौतकैः । " (याज्ञ. २ । १४९)

इत्यन्तेन प्रोक्तविभागप्रकरणमध्यस्थत्वेनास्य पिण्डद इत्यस्यात्रानुपयोगः, पूर्वाध्याये प्रोक्तश्राद्धप्रकरणेऽपेक्षिताधिकार्यनुक्तेः प्रासङ्गिकत्वे तु चरमोक्तिरुचिता, तथास्वारस्याभावश्च, अत एव **विज्ञानेश्वरेण** औरस इत्यादि " अधुना मुख्यगौणपुत्राणां दायग्रहणव्यवस्थां दर्शयिष्यंस्तेषां स्वरूपं तावदाह " इत्येवमवतार्य व्याख्याय च " एवं मुख्यामुख्यपुत्राननुक्रम्यैतेषां दायग्रहणे क्रममाह"इत्येवमवतारितं"पिण्डद इतीति" तथापि यस्यांशहरत्वं तस्यैव पिण्डदत्वमित्यस्य मुख्यामुख्यातिदेशिकपुत्रान्यविषयत्वं, तादृशपुत्रस्थले तस्य सधनत्वे तथा संभवेऽपि अतथात्वे तस्य पिण्डदत्वावश्यकत्वात् तादृशस्य तस्य तद्धर्मत्वान्न तद्विषयत्वम्, अत एव च—

" अपुत्रोऽनेन विधिना सुतां कुर्वीत पुत्रिकाम् । यदपत्यं भवेदस्यां तन्मम स्यात् स्वधाकरम् ॥ "

इति **मनूक्तिः** (अ. ९ । १२७) " यश्चार्थहरः स पिण्डदायी पुत्रः पितृवित्ताभावे पिण्डं दद्यादिति " **विष्णूक्तिश्च** सङ्गच्छते—इत्येतदर्थं तथोक्तिः । अत एव—

" क्षेत्रजादीन् सुतानेतानेकादश यथोदितान् । पुत्रप्रतिनिधीनाहुः क्रियालोपान्मनीषिणः ॥ "

इति **मनुः** । (अ. ९ । १८०)

अत्र पारशवाख्यं शौद्रं गृहीत्वा एकादशत्वम् । इतोऽव्यवहितं प्राक् पठितानां तेषामेव तेनोक्तत्वात् । पुत्रिकासुतस्य तु बहुव्यवधानेन पार्थक्येन तेनोक्तत्वात् ।

अत एव— (**मनु**. अ. ९ । १६५)

" औरसक्षेत्रजौ पुत्रौ पितृरिक्थस्य भागिनौ । दशापरे तु क्रमशो गोत्ररिक्थांशभागिनः ॥ "

इति प्रागुक्ताः । तेषां ततः प्रागुक्त्यौरस इत्यादिना द्वादशपुत्रक्रमानुरोधेनैतावत्पर्यन्तं लक्षणान्युक्तानि । क्रिया पिण्डादिकरणं तल्लोपो व्यतिरेके हेतुः । तल्लोपं वीक्ष्येत्यर्थो वा । अकारप्रश्लेषो वा । प्रतिनिधित्वं चावयवान्वयेन न्यायसिद्धं वाचनिकं यथायथं बोध्यम् । अत एव तेन यथाक्रममेव पिण्डदः श्राद्धदः अंशहरः धनहरो वेदितव्य इति व्याख्यातम् ।

" अप्रशस्तास्तु कानीनगूढोत्पन्नसहोढजाः । पौनर्भवश्च नैवैते पिण्डरिक्थांशभागिनः ॥ "

इति **विष्णु**वाक्येऽप्येवमेव बोध्यम् । **मूल**वाक्ये चकारेणान्यफलानामपि असाधारणानां समुच्चयः । एवमेव द्व्यामुष्यायणस्य क्षेत्रजस्य भागविशेषप्रतिपादके विभागप्रकरणान्तर्गते—

"अपुत्रेण परक्षेत्रे नियोगोत्पादितः सुतः । उभयोरप्यसौ रिक्थी पिण्डदाता च धर्मतः ॥"

इति **मूलोक्ते** (**याज्ञ**. अ. २।१२७) ततः पूर्वपद्ये तदुक्तिफलादि बोध्यम् । तत्र तथोक्तिस्तु प्रकरणानुरोधात्, नियोगेनोत्पादनान्न तद्धनहारित्वमिति भ्रमनिरासार्थत्वात्, तदर्थमेव तत्प्रवृत्तेश्चेति बोध्यम् । अत एव तदपि तेन " द्व्यामुष्यायणस्य भागविशेषं दर्शयंस्तस्य स्वरूपमाह " इत्येवमवतार्य्य यथाक्रमं व्याख्यायोभयोरपुत्रत्वे तस्य द्व्यामुष्यायणत्वेन प्रागुक्तं बोध्यम् । देवरादेः सपुत्रत्वे तु अद्व्यामुष्यायणः । स क्षेत्रिण एव पुत्रो भवतीति तस्यैव रिक्थी पिण्डदश्च न बीजिन इति तद्रिक्थी पिण्डदश्च न बीजिन इति तद्रिक्थी पिण्डदश्च नियमेन न ।

तदुक्तं **मनुना**— (अ. ९ । ५३ । ५२)

" क्रियाभ्युपगमात् क्षेत्रं बीजार्थं यत्प्रदीयते । तस्येह भागिनौ दृष्टौ बीजी क्षेत्रिक एव च ॥

" फलं त्वनभिसंधाय क्षेत्रिणां बीजिनां तथा । प्रत्यक्षं क्षेत्रिणामर्थो बीजाद्योनिर्बलीयसी ॥ " इति ।

किञ्च । मुख्यामुख्यमात्रपुत्रातिरिक्तस्थलेऽशहरत्वेन पिण्डदत्वं नियतम्, अत्र तु वैपरीत्यमिति सूचनार्थमपि तथोक्तिः । ततश्च पुत्रादीनां, यद्धनं स्वामिसम्बन्धादेव निमित्तादन्यस्वत्वाक्रान्तं तद्रूपदायहरणं, पुत्रत्वादिना अप्रतिबद्धं भवतीत्ययमप्रतिबन्धो दायः । पितृपितामहादिधने तेषां तत्त्वेन लोकप्रसिद्धजन्मतः सिद्धस्वत्वस्याविशिष्टत्वात् । पत्न्यादीनां तु पुत्राद्यभावे स्वाम्यभावे विषमविभागाभावे दानाभावे च स्वं भवति तत्तद्रूपेणेति तत्तत्सद्भावः प्रतिबन्धक इति सप्रतिबन्धो दायः । एवं च तद्द्वैविध्यं सिद्धम् ।

ननु भवतु उक्तरीत्या पुत्रस्य तत्, पौत्रादेस्तत्सत्त्वे किं मानमिति चेत्, शृणु । (याज्ञ. २ । श्लो. १२० । १२१)

" अनेकपितृकाणां तु पितृतो भागकल्पना । भूर्या पितामहोपात्ता निबन्धो द्रव्यमेव वा ।
" तत्र स्यात्सदृशं स्वाम्यं पितुः पुत्रस्य चैव हि ॥ "

इति तत्रैव मूलम्,

" पैतृके तु पिता द्रव्यमनवाप्तं यदाप्नुयात् । न तत्पुत्रैर्भजेत्सार्द्धमकामः स्वयमर्जितम् ॥ "

इति **मनुश्चेति ।** (अ. ९ । २०९)

नन्वेवमपि द्वितीये किं मानमिति चेत्, शृणु ।

" जीवतो वाक्यकरणात्प्रत्यब्दं भूरिभोजनात् । गयायां पिण्डदानाच्च त्रिभिः पुत्रस्य पुत्रता ॥ "

इति **देवलः—**

" पिता माता च सम्प्रीतौ स्यातां पुत्रगुणैर्यदि । स पुत्रः सकलं धर्ममाप्नुयात्तेन कर्मणा ॥ "

इति **सत्यव्रतश्च ।**

" स पुत्रः पितरं यस्तु जीवन्तमनुवर्तयेत् । संस्थितं तर्पयेद्भक्त्या श्राद्धेन विविधेन च ॥ " इति ।

एवमग्रेऽपि क्रमेणोच्यते ।

" अपत्यं तु ममैवैकं कुले महति भारत । अपुत्रमेकपुत्रत्वमित्याहुर्धर्मवादिनः ॥
" चक्षुरेकं च पुत्रश्च अस्ति नास्ति च भारत । चक्षुर्नाशे तनोर्नाशः पुत्रनाशे कुलक्षयः ॥
" अनित्यतां च मर्त्यानां मत्वा शोचामि पुत्रक । सन्तानस्याविनाशं तु कामये भद्रमस्तु ते ॥ "

इति **भारतम्,**

" अनेन तु विधानेन पुरा चक्रे स्वपुत्रिकाम् । विवृद्ध्यर्थं स्ववंशस्य स्वयं दक्षप्रजापतिः ॥
" ददौ स दश धर्माय कश्यपाय त्रयोदश । सोमाय राज्ञे सत्कृत्य प्रीतात्मा सप्तविंशतिम् ॥ "

इति **मनुश्च ।** (अ. ९ । १२८ । १२९)

पिण्डादिविषये **मूलन्तूक्तमेव ।**

"न ह्यस्मिन् युज्यते कर्म किञ्चिदामौञ्जिबन्धनात् । " " नाभिव्याहारयेत् ब्रह्म स्वधानिनयनादृते ॥ "

इति । **मनुः—** (अ. २ श्लो. १७१ । १७२)

" कृतचूडस्तु कुर्वीत उदकं पिण्डमेव च । स्वधाकारं प्रयुञ्जीत मन्त्रोच्चारं न कारयेत् ॥ "

इति **व्याघ्रश्च ।**

" अपुत्रेणैव कर्तव्यः पुत्रप्रतिनिधिः सदा । पिण्डोदकक्रियाहेतोर्यस्मात्तस्मात्प्रयत्नतः ॥ "

इत्यत्रिश्च ।

एवेन पुत्रवतोऽनधिकारः सूचितः ।

" अपुत्रेण सुतः कार्यो यादृक् तादृक् प्रयत्नतः । पिण्डोदकक्रियाहेतोर्नामसङ्कीर्तनाय च " ॥इति—

मनुयमव्यासाश्च ।

" धर्मसङ्कीर्तनस्य चेति " **बृहस्पतौ** पाठान्तरं तुर्यचरणे ।

" त्रयाणामुदकं कार्यं त्रिषु पिण्डः प्रवर्तते । चतुर्थः सम्प्रदातैषां पञ्चमो नोपपद्यते ॥ "

इति **मनुश्च** । (अ. ९ । १८६)

" पुत्रः पौत्रः प्रपौत्रश्च भ्राता वा भ्रातृसन्ततिः । इत्यन्यत्र च । " भ्राता वेत्यत्र तद्वद्वेति "

पाठान्तरम् । इति **स्मृतिसंग्रहे** च ।

" पुत्रेषु वर्तमानेषु नान्यो वै कारयेत्स्वधाम् " । पुत्रास्ते हिंसितास्तेन यस्त्वेवं कुरुते नरः ॥ "

" आनुकूल्याद्वा पुत्रस्य श्राद्धं कुर्यात्सनाभिकः । "

इति **ऋष्यशृङ्गश्च** ।

" उत्तमर्णाधमर्णेभ्यः पितरं त्रायते सुतः । अतस्तु विपरीतेन नास्ति तेन प्रयोजनम् ॥

" काङ्क्षन्ति पितरः पुत्रान् नरकापातभीरवः । गयां यास्यति यः कश्चित्सोऽस्मान्सन्तारयिष्यति ॥

" करिष्यति वृषोत्सर्गमिष्टापूर्तं तथैव च । पालयिष्यति वार्द्धक्ये श्राद्धं दास्यति चान्वहम् ॥ "

इति **बृहस्पतिश्च** ।

" पुत्रश्चोत्पत्तिमात्रेण संस्कुर्याद्दृणमोचनात् । पितरं नाब्दिकाच्चौलात्पैतृमेधेन कर्मणा ॥ "

इति **सुमन्तुश्च** ।

" नापुत्रस्य लोकोऽस्तीति, जायमानो वै ब्राह्मणस्त्रिभिर्ऋणवान् जायते ब्रह्मचर्येणार्षिभ्यो यज्ञेन देवेभ्यः प्रजया पितृभ्य एष वा अनृणो यः पुत्री यज्वा ब्रह्मचारी वाऽस्तीति, "

" ऋणमस्मिन्सन्नयत्यमृतत्वं च गच्छति । पिता पुत्रस्य जातस्य पश्येच्चेज्जीवतो मुखम् " ॥ इति च—

श्रुतिश्च । **विष्णुवसिष्ठावप्येवम्** । विन्दतीति पाठान्तरं गच्छतीत्यत्र ।

तत्रापि विशेषः (अ. ९ । १०६ । १०७ । १०८ । १०९ ।

" ज्येष्ठेन जातमात्रेण पुत्री भवति मानवः । पितॄणामनृणश्चैव स तस्मात्सर्वमर्हति ॥

" यस्मिनृणं सन्नयति तेन चानन्त्यमश्नुते । स एव धर्मजः पुत्रः कामजानितरान्विदुः ॥

" पितेव पालयेत्पुत्रान्ज्येष्ठो भ्रातॄन्यवीयसः । पुत्रवच्चापि वर्तेरन् ज्येष्ठे भ्रातरि धर्मतः ॥

" ज्येष्ठः कुलं वर्धयति विनाशयति वा पुनः । ज्येष्ठः पूज्यतमो लोके ज्येष्ठः सद्भिरगर्हितः ॥ " इति,

" पुत्रेण लोकान् जयति पौत्रेणानन्त्यमश्नुते । अथ पुत्रस्य पौत्रेण ब्रध्नस्याप्नोति विष्टपम् ॥ "

इति च **मनुः** ।

" जातमात्रेण पुत्रेण पितॄणामनृणी पिता । **इत्यत्रिश्च** ।

" अपुत्रस्य गतिर्नास्ति स्वर्गो नैव च नैव च। येन केनाप्युपायेन पुत्रं संपादयेत्खग" इति **गारुडं** च।

शंखलिखितपैठीसनयश्च—

" यत्र क्वचन जातेन पिता पुत्रेण नन्दति । तेन चानृणतां याति पितॄणां पिण्डदेन वै ॥" इति ।

" अग्निहोत्रं त्रयो वेदा यज्ञाश्च सहदक्षिणाः । श्रेष्ठपुत्रस्य[1] पौत्रस्य कलां नार्हन्ति षोडशीम् ॥ "

" पुत्रपौत्रप्रतिष्ठस्य बहुपुत्रस्य जीवतः । अस्कन्नवेदयज्ञस्य हस्तमात्रं त्रिविष्टपम् ॥ " इति ।

वसिष्ठः—(अ. १७ सू. २-४) " अनन्ताः पुत्रिणो लोका नापुत्रस्य लोकोऽस्तीति श्रूयते। अप्रजाः सन्तु पुत्रिण इत्यभिप्रायः । प्रजाभिरग्ने अमृतत्वं पश्यामी त्यपि **निगमो** भवतीति । "

ननु पुत्रजननमात्रेण पितुर्नानृण्यं किं तु सम्यगनुशिष्टेन पुत्रेण शास्त्रीयेषु कर्मस्वनुष्ठितेषु पश्चादानृण्यम् । अत एव **वाजसनेयेऽपि ब्राह्मणे** पुत्रानुशासनविधिः समाम्नातः, " तस्मात्पुत्रमनुशिष्टं लोक्यमाहुस्तस्मादेनमनुशासति यद्यनेन किञ्चिदक्ष्णया कृतं भवति तस्मादेनं सर्वस्मात्पुत्रो मुञ्चति तस्मात्पुत्रो नाम पुत्रेणैवास्मिन् लोके प्रतितिष्ठति" इति ।

अयमर्थः । अस्ति किञ्चित्सम्प्रतिपत्तिनामकं कर्म । यदा पितुर्मरणावसरो भवति तदा पुत्रमाहूय वेदाध्ययने यज्ञे लौकिकव्यापारे च यद्यत्कर्तव्यजातं तस्य सर्वस्य पुत्रे सम्प्रदानं कर्त्तव्यम् । सेयं सम्प्रतिपत्तिः, तस्यां च सम्प्रतिपत्तौ यस्मादनुशिष्टः पुत्रोऽधिकारी तस्मादनुशिष्टं पुत्रं परलोकहितमाहुः । अत एव पुत्रानुशासनं कुर्युः पितरः । स चानुशिष्टः पुत्रः स्वपित्रा शास्त्रीयं कर्म अक्ष्णया वक्रत्वेन शास्त्रवैपरीत्येन कृतं भवति एतस्मात्सर्वस्मात्पापात् इमं पितरं स्वयं कर्म सम्यगनुतिष्ठन्मोचयति तस्मात्पुन्नाम्नो नरकात् त्रायत इति व्युत्पत्त्या पुत्रो नाम ।

अत एव **मनुविष्णू**—(मनु. ९ । १३८)

" पुन्नाम्नो नरकाद्यस्मात् त्रायते पितरं सुतः । तस्मात्पुत्र इति प्रोक्तः स्वयमेव स्वयम्भुवा " इति ।

हारीतः—

" पुन्नामा निरयः प्रोक्तश्छिन्नतन्तोश्च तत्र वै । पितरं त्रायते यस्मात्तस्मात्पुत्र इति स्मृतः ॥

" यस्य पुत्रः शुचिर्दक्षः पूर्वे वयसि धार्मिकः । नियन्ता चात्मदोषाणां सन्तारयति पूर्वजान् " इति ।

बृहस्पतिश्च—

" पुन्नाम्नो नरकात्पुत्रः पितरं त्रायते यतः । मुखसन्दर्शनेनापि तदुत्पत्तौ यतेत सः ॥

" पौत्रोऽथ पुत्रिकापुत्रः स्वर्गप्राप्तिकरावुभौ । रिक्थे पिण्डाम्बुदाने च सुतौ सुपरिकल्पितौ " इति ।

स च पिता स्वयं मृतः पुत्रशरीरेणैवास्मिन् लोके यथाशास्त्रं कर्म कुर्वन्प्रतितिष्ठतीति । एवं सति बहुनां मध्ये यथावदनुशासनं प्रज्ञामान्द्यादिप्रतिबन्धबाहुल्यात्कस्यचिदेव सम्पद्यते । अनुशिष्टेष्वपि बहुषु यथावदनुष्ठानं कस्यचिदेव । अतो ज्येष्ठः कनिष्ठो वा यस्तादृशः स एवानृण्यहेतुरिति कथं तथा प्रागुक्तमिति चेत्, न ।

अनुशासनस्य संप्रतिपत्तिद्वारा विलक्षणपितृकृतपापनिवारणद्वाराऽप्रतिबद्धविलक्षणपरलोकप्राप्तिफलकत्वस्योक्तरीत्या प्रतीयमानत्वेनानृण्यहेतुत्वात् । अत एव लोक्यमित्याद्यक्षरस्वारस्यम् । अत एव च प्रागुक्तश्रुतिस्मृत्यादिसङ्गतिः । अन्यथा तद्विरोधो दुष्परिहर एव । अत एव च ज्येष्ठो न देयस्तस्यैव पुत्रकार्यकरणे मुख्यत्वादिति सफलं **विज्ञानेश्वरा**दिभिरुक्तम् । एवं च पुत्रादेस्तत्त्वं सिद्धम् ।

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१ क–श्रेष्ठपुत्रप्रसूतस्य ।

तत्रापि विशेषः, सन्निहितत्वेऽपि पुत्रादीनां पतितत्वादि दोषे क्वापि नाधिकारः ।

" पतितो नाग्निसंस्कारं न क्रियां न च तर्पणम् । कुर्यादुन्मत्त एवापि नान्यथेत्यब्रवीद्यमः ॥ "

इति स्मृतेः । तथा च अस्वस्थोन्मत्तनास्तिकादिपुत्रसत्त्वे पौत्रादीनां पुत्रप्रतिनिधित्वेनाधिकारः । एवं—

" पितृद्विट् पतितः षण्ढो यश्च स्यादौपपातिकः । औरसा अपि नैतेंऽशं लभेरन् क्षेत्रजाः कुतः ॥ "

इति **नारदोक्तेः**— (अ. १३ । २१ श्लो.)

दायग्रहणेऽपि तथा बोध्यम् । वक्ष्यते[1] चेदमनुपदमेव **मूलकृता** । तदभावे विभक्ते ऽसंसृष्टिनि पत्यौ स्वर्याते तादृशपरिणीता संयता पत्नी सकलमेव धनं प्रथमं गृह्णाति, तदभावे तादृशी दुहितेत्यादि दायहरणमात्रे इमं क्रमं मूलकृदुक्तवान्—

" पत्नी दुहितरश्चैव पितरौ भ्रातरस्तथा । तत्सुता गोत्रजा बन्धुशिष्यसब्रह्मचारिणः ॥

" एषामभावे पूर्वस्य धनभागुत्तरोत्तरः । स्वर्यातस्य ह्यपुत्रस्य सर्ववर्णेष्वयं विधिः ॥ " इति ।

अत्र पत्नीत्यनेन तादृशपरिणीतालाभः । 'पत्युर्न' इत्यनुशासनात् ।

" अपुत्रा शयनं भर्तुः पालयन्ती व्रते स्थिता । पत्न्ये दद्याच्च सा पिण्डं कृत्स्नमंशं लभेत च ॥ "

इति **वृद्धमनोः**,

" पत्नी भर्तुर्धनहरी या स्यादव्यभिचारिणी । तदभावे तु दुहिता यद्यनूढा भवेत्तदा " इति—

" अपुत्रस्याथ कुलजा पत्नी दुहितरोऽपि च । "

इति च **कात्यायनाच्च** संयतत्वस्य साकल्यस्य च लाभः । आद्ये चशब्दद्वयं मिथः समुच्चये । तेनांशहरत्वे तदावश्यकत्वं सूचितम् । एवं तदभावेऽप्यन्याभावेऽपि तस्यास्तदावश्यकत्वम्, अन्येन तद्धरणे तस्यैव तदावश्यकत्वं न तस्या इति सूचितम् । धनहरीति तु पचाद्यचष्टित्त्वेन बोध्यम् । विभागकथनानन्तरमस्योक्तत्वाद्विभक्तत्वस्य लाभः । पत्नीत्याद्यपवादस्य संसृष्टिनस्तु संसृष्टीत्यस्य वक्ष्यमाणत्वादसंसृष्टित्वलाभः । यद्यपि—

" विभक्ते संस्थिते द्रव्यं पुत्राभावे पिता हरेत् । भ्राता वा जननी वाऽथ माता वा तत्पितुः क्रमात् ॥"

इति **कात्यायन**स्मृतौ क्रमादित्युक्तं, तथा—

" स्वर्यातस्य ह्यपुत्रस्य भ्रातृगामि द्रव्यं तदभावे पितरौ हरेयातां ज्येष्ठा वा पत्नी "

इति **शङ्ख**स्मृतौ तदभावे इत्युक्तम्, एवमन्यत्रापि, तच्च प्रागुक्तमेव, तथापि न तानि क्रमबोधकानि । विकल्पस्य स्मरणात्, मिथो विरोधात् ।

" पिता हरेदपुत्रस्य रिक्थं भ्रातर एव वा । " इति—

" अनपत्यस्य पुत्रस्य माता दायमवाप्नुयात् । मातर्यपि च वृत्तायां पितुर्माता हरेद्धनम् ॥ "

इति च **मनु**विरोधात् । (अ. ९।१८५।२१७)

" भ्रातॄणामप्रजाः प्रेयात्कश्चिच्चेत्प्रव्रजेत वा । विभजेरन् धनं तस्य शेषास्तु स्त्रीधनं विना ॥

" मरणं चास्य कुर्वीरन् स्त्रीणामाजीवनक्षयात् । रक्षन्ति शय्यां भर्तुश्चेदाच्छिन्द्युरितासु च ॥ "

इति **नारद**विरोधाच्च । (अ. १३। श्लो. २५।२६) एतेन—

" पुत्रः पौत्रः प्रपौत्रो वा भ्राता वा भ्रातृसन्ततिः । "

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[1] याज्ञ. अ. २ श्लो. १४० पृ. ९९

इति दायग्रहणक्रमबोधकमित्यप्यपास्तम् । तस्य श्राद्धप्रकरणस्थत्वाच्च । एवं च विकल्पघटितवाक्यानां न क्रमबोधकत्वमिति सिद्धम् । स्पष्टश्चायमर्थः **पूर्वमीमांसायां,** "तुल्यार्थास्तु विकल्पेरन्" इत्यधिकरणे (जै. सू.) । एवं च तेषामधिकारप्रदर्शनमात्रपरत्वम् । तथा सति **शङ्ख**वाक्यं **नारद**वाक्यं च संसृष्टिविषयकम् । "संसृष्टानां तु यो भागस्तेषामेव स इष्यते ।" इति संसृष्टिनां प्रस्तुतत्वात् । तथा च तत्स्त्रीणामनपत्यानां भरणमात्रप्रतिपादनपरं तदिति तत्त्वम् ।

न च भ्रातृणामप्रजाः प्रेयादित्यस्य संसृष्टिविषयत्वे संसृष्टानां तु यो भाग इत्यनेन पौनरुक्त्यमिति वाच्यम् । पूर्वोक्तविवरणेन स्त्रीधनस्याविभाज्यत्वस्य तत्स्त्रीणां भरणमात्रस्य च विधाने तत्तात्पर्यात् । **मनु**वाक्यं **कात्यायन**वाक्यं च पत्न्यादिगणासत्त्वविषयतयाऽपि सुयोजमिति न कश्चिद्दोषलेशः । तत्र शङ्खविषये तदभावे इत्यस्य मध्यमणिन्यायेनान्वयः । तत्राद्ये तस्य पौत्राद्यभावे इत्यर्थः । द्वितीये संसृष्टिनो भ्रातुरभावे इत्यर्थः । तस्य तत्त्वाभावे इति यावत् । पत्न्याद्यसत्त्वे इति शेषः । यद्वोक्तरीत्योत्तरान्वय्येव तत् । 'एवं पिता हरेदपुत्रस्येति' **मनु**वाक्यं 'विभक्ते संस्थिते' इति **कात्यायन**वाक्यांशभूतं च संसृष्टिविषयमेव । तदेकवाक्यतानुरोधात् । संसृष्टत्वं च यतो न येन केन चित्सह, अपि तु पित्रा भ्राता पितृव्येण वा ।

"विभक्तो यः पुनः पित्रा भ्रात्रा वैकत्र संस्थितः । पितृव्येणाथवा प्रीत्या स तत्संसृष्ट उच्यते ॥"

इति **बृहस्पतेः** ।

अनपत्यस्य पुत्रस्येति **मनु**वाक्यांशस्तु पत्नीदुहितृदौहित्राद्यभावपरः । उक्तहेतोः । अत एव मातर्यपि च वृत्तायामिति अपिचेत्येतद्बलात्पित्रादिभ्रातृसुतान्तानामप्यभावपरम् । अत एव **कातीये** तत्पितुरिति पूर्वान्वयि । तत्पितुर्माता वा, पितामहीत्यर्थः । अन्यथा पौनरुक्त्यादिति स्पष्टमेव । तत्र क्रमादित्यस्य तु पौत्रादिक्रममवीक्ष्येत्यर्थः । ल्यब्लोपे पञ्चमी । यद्वा । क्रमं वंशपरम्पराम् । अत्ति भक्षयतीति क्रमात् सा । यद्वा । क्रमं धनसम्बन्धक्रमम् अतति गच्छतीति क्रमात् । सर्वविशेषणमिदम् । एवमन्यत्रापि यथासंभवं योजना प्राक् प्रतिपादितैव । विकल्पादिरहितबहुविषयसंग्राहकैषामभाव इत्यर्द्धघटितैकमूलानुरोधेनान्येषामताद्दशानामेव वाक्यानाम्, अन्यथा योजनमुचितं, लाघवात् । अन्यथा गौरवं स्पष्टमेव । अत्र सर्वत्र मृतनिरूपितप्रत्यासत्तिरेव तद्ग्रहणे हेतुत्वेन विवक्षिता । अत एव—

"अनन्तरः सपिण्डाद्यस्तस्य तस्य धनं भवेत् ।" इति **मनुः,**

"बहवो ज्ञातयो यत्र सकुल्या बान्धवास्तथा । यस्त्वासन्नतरस्तेषां सोऽनपत्यधनं हरेत् ॥"

इति **बृहस्पतिः** ।

"पुत्राभावे प्रत्यासन्नः सपिण्ड" इति **आपस्तम्बश्च** सङ्गच्छते । सा च प्रत्यासत्तिः शास्त्रतो लोकतश्च यथायथमवयवान्वयादिद्वारेण बोध्या । तथैव च पत्नीत्यादिना प्रदर्शितं तेन । अत एव पुत्रिकासुत इत्यत्र—

"अभ्रातृकां प्रदास्यामि तुभ्यं कन्यामलंकृताम् । अस्यां यो जायते पुत्रः स मे पुत्रो भवेदिति ॥"

इति **वसिष्ठोक्त्या,** (अ. १७ सू. १७)

"अपुत्रोऽनेन विधिना सुतां कुर्वीत पुत्रिकाम् । यदपत्यं भवेदस्यां तन्मम स्यात्स्वधाकरम् ॥"

इति **मनू**क्तया च (अ. ९।१२७) संविदा दत्ता कन्या पुत्रिका, तत्पुत्रत्वादेवौरससमत्वमित्येकां व्याख्यां कृत्वा, पुत्रिकैव तादृशी सुतः स औरससम एव, पित्रवयवानामल्पत्वान्मात्रवयवानां बाहुल्याच्च, अत एव **वसिष्ठः** "तृतीयः पुत्रिकैवेति" इति व्याख्यान्तरं कृतं तेन । पत्नीत्यादिवाक्ये एवकारस्य सर्वत्र संन्बधः । तेन अन्यव्यवच्छेदः । समवाये तत्फलितार्थ एव व्याख्यायां प्रथममिति । प्रत्यामस्त्यतिशयादिति तद्भावः । तदभावे दुहिता ।

"यथैवात्मा तथा पुत्रः पुत्रेण दुहिता समा । तस्यामात्मनि तिष्ठन्त्यां कथमन्यो धनं हरेत्" ॥

इति **मनुः** । (अ. ९।१३०)

"भर्त्तुर्धनहरी पत्नी तां विना दुहिता स्मृता । अङ्गादङ्गात्संभवति पुत्रवद् दुहिता नृणाम् ॥
"तस्मात्पितृधनं त्वन्यः कथं गृह्णाति मानवः ।"

इति **बृहस्पतिः** ।

"पुत्राभावे तु दुहिता तुल्यसंतानदर्शनात् । पुत्रश्च दुहिता चोभौ पितुः सन्तानकारकौ ॥"

इति **नारद**श्च । (अ. १३।५०)

तत्र चोढानूढासमवायेऽनूढैव । प्रागुक्त**कात्यायन**नोक्तेः । एवमूढासु प्रतिष्ठिताऽप्रतिष्ठितासमवायेऽप्रतिष्ठितैव । तदभावे प्रतिष्ठिता । "स्त्रीधनं दुहितॄणामप्रत्तानाम् अप्रतिष्ठितानां चेति" **गौतमव**चनस्य (अ.१८सू.२२) पितृधनेऽपि तुल्यत्वात् । नेदं पुत्रिकाविषयम् । तत्समः पुत्रिकासुत इत्यस्य पुत्रप्रकरणे उक्तत्वात् ।

चेन दौहित्रसमुच्चयः । अत **एव—**

"अपुत्रपौत्रसन्ताने दौहित्रा धनमाप्नुयुः । पूर्वेषां तु स्वधाकारे पौत्रा दौहित्रका मताः ॥"

इति **विष्णुः**

"अकृता वा कृता वाऽपि यं विन्देत्सदृशात्सुतम् । पौत्री मातामहस्तेन दद्यात्पिडं हरेद्धनम्"॥१३६॥ इति—
"दौहित्रो ह्यखिलं रिक्थमपुत्रस्य पितुर्हरेत् । स एव दद्यात् द्वौ पिण्डौ पित्र मातामहाय च"॥१३२॥
"पौत्रदौहित्रयोर्लोके न विशेषोऽस्ति धर्मतः । तयोर्हि मातापितरौ संभूतौ तस्य देहतः ॥१३३॥"
"पौत्रदौहित्रयोर्लोके विशेषो नोपपद्यते । दौहित्रोऽपि ह्यमुत्रैनं सन्तारयति पौत्रवत् ॥१३९॥"

इति च **मनुश्च** (अ. ९) सङ्गच्छते ।

अत्र चेन दौहित्रवत्तदभावे दौहित्र्या अपि समुच्चय इति प्राक् प्रतिपादितमत्रापि बोध्यम् ।

तदभावे पितरौ । तत्र प्रथमं माता ततः पितेति व्याख्याकृत् । आदौ पिता ततो मातेति तत्त्वं तु प्रागुक्तमेव ।

ततो भ्रातरः । तथेत्यस्यार्थः उक्त एव । आवृत्त्या द्वितीयस्य तथेत्यस्य प्रत्यासत्तिक्रमेणेत्यर्थः । तेन सोदरासोदरसमवाये प्रथमं सोदरास्तभावेऽसोदरा इति सूचितम् । अत्र भ्रातर इत्यनेन तथैकशेषेण भगिनीनामपि ग्रहणम् । तत्रापि क्रमो भ्रातृवदिति प्रागुक्तमेवेति बोध्यम् ।

तथेत्यस्य पितृक्रमेणेत्यर्थकस्य तत्सुता इत्यत्रापि मध्यमणिन्यायेनान्वयः । तत्सुता इत्यस्य तयोर्भ्रातृभगिन्योः सुता इत्यत्र प्रागवत् कन्यानामपि ग्रहणं बोध्यम् । तच्चोक्तं प्राक् ।

गोत्रजपदेन पितामही, समानगोत्रजाः पितामहस्नुषादयः सप्त सपिण्डाः, सामानोदकाश्च सप्त तदुपरितनाः, जन्मनामज्ञानावधिका वा ।

बन्धुशब्देन भिन्नगोत्रं बन्धुत्रयम् आचार्यश्च । चार्थकतथाशब्दस्य चरमे उत्कर्षात्सब्रह्मचारिणश्चेत्यर्थः । तेन बन्धुशिष्यमध्यवर्त्याचार्यस्य सब्रह्मचार्यनन्तरस्य ऋत्विक्श्रोत्रियादेश्च समुच्चय इति केचित् । तत्वं तु प्रागुक्तम् । "प्रागुक्तसपिण्डाभावे आचार्यस्तदभावे अन्तेवासी" त्यापस्तम्बः । (२।१४।३) "अन्तेवासी ऋत्विग्वेति" शङ्खः । "श्रोत्रिया ब्राह्मणस्यानपत्यस्य रिक्थं भजेरन् " इति गौतमः । (अ. २८ सू. ३९)

"सर्वेषामप्यभावे तु ब्राह्मणा रिक्थभागिनः ।" इति मनुः । (अ. ९ श्लो. १८८)

"ब्राह्मणार्थस्य तन्नाशे " इति नारदश्चेति ।

पत्नीत्यादि न पिण्डदानक्रमबोधकं, तस्यात्रानुक्तत्वात् । अत एव पिण्डदोंऽशहरश्चेषामित्यस्यानुवृत्तिसंभवेऽप्येषामभावे इत्याद्युक्तं तेन भगवता । अत एव च—

"मुख्यगौणसुताभावे दायादक्रम उच्यते ।" इत्येवमवतारितमिदं तेन । दायादशब्देन च रिक्थभागिनः व्युत्पत्तेः ।

"विश्वामित्रं तु दायादं गाधिः कुशिकनन्दनः । जनयामास पुत्रं तु तपोविद्याशमात्मकम् ॥ "

इति हरिवंशोक्तेः पुत्रे इव दायादानपि दापयेदित्यादौ पुत्रभिन्नेऽपि तत्र तस्य प्रसिद्धत्वात् । अत एव—

"पुत्रान् द्वादशधानाह नृणां स्वायंभुवो मनुः । तेषां षट् बन्धुदायादाः षडदायादबान्धवाः ॥
"औरसः क्षेत्रजश्चैव दत्तः कृत्रिम एव च । गूढोत्पन्नोऽपविद्धश्च दायादा बान्धवाश्च षट् ॥
"कानीनश्च सहोढश्च क्रीतः पौनर्भवस्तथा । स्वयंदत्तश्च शौद्रश्च षडदायादबान्धवाः ॥ "

इति मनुवाक्ये—(अ. ९ श्लो. १५८—१६०)

स्वपितृसपिण्डसमानोदकानां संनिहितरिक्थहरान्तराभावे पूर्वषट्कस्य तद्रिक्थहरत्वं नोत्तरस्य, बान्धवत्वं तु समानगोत्रत्वेन सपिण्डत्वेन चोदकप्रदानादिकार्यकरत्वं वर्गद्वयस्यापि सममेव, गोत्ररिक्थे इति मनुवाक्ये दत्रिमग्रहणस्य "पुत्रप्रतिनिधिप्रदर्शनार्थत्वात् " इत्येवमुक्तमूलाविरोधाय तेन व्याख्यातम् । पित्रादिधने तु सर्वेषामविशेषश्चरमभिन्नानां पुत्रिकासुतवटितानां तेषाम्, अस्मात् प्रागुक्तमनोश्च । अत एव तयोर्मिथो विरोधोऽपि न । अग्रे साधकानि तु पूर्वमुक्तान्येव । तस्मात् स्थितमेतत् तदभावे यथाक्रमं पत्न्यादयो धनभाज इति ।

नन्वस्तु दायहरणे प्रागुक्तम् । तथापि अन्येषां पुत्रासाधारणकार्याणां केषांचिद्यथायथं पत्न्यादिष्वसम्भवेन तत्र विचारप्रसक्त्यभावेऽपि तदभावे पिण्डदानादौ कथं क्रम इति चेत्, शृणु । प्रागुक्तरीत्या दायहरणे सिद्धेन क्रमेणैव "यश्चार्थहरः स पिण्डदायी " इति विष्णूक्तेः पिण्डदानादौ क्रम इत्युत्सर्गः । तत्र पत्नीविषये वाक्यमपि प्रागेव वृद्धमनूक्तमुक्तम् । तत्र कृत्स्नमंशमित्यादिना दायहरत्वे एव तस्या अधिकारः सूचितस्तस्य सधनत्वे । एतदर्थमेव तत्र तदुपादानम् । अन्यथाऽपि सैवाधिकारिणी । अत एव—

"भार्यापिण्डं पतिर्दद्याद्भर्त्रे भार्या तथैव च । श्वश्र्वादेस्तु स्नुषा चैव तदभावे तु सोदरः " ॥ इति—
"पितुः पुत्रेण कर्तव्याः पिण्डदानोदकक्रियाः । पुत्राभावे तु पत्नी स्यात्पत्न्यभावे तु सोदरः ॥ "

इति च शङ्खः ।

"पत्नी कुर्यात्सुताभावे तदभावे सहोदरः ।" इति कौर्मम्,

"भ्रातुर्भ्राता स्वयं चक्रे तद्भार्या चेन्न विद्यते । तस्य भ्रातृसुतश्चक्रे यस्य नास्ति सहोदरः ॥"

इति **ब्राह्मं** च सङ्गच्छते । दुहितुस्तु तद्धनहर्तृत्वादेव पिण्डादिदत्वम् । एवं च तदभावे न तस्यास्तत्प्रदत्वम् । दौहित्रविषये वाक्यमपि **मन्वा**द्युक्तं प्रागेवोक्तम् । तत्र 'हरेद्धनमि' त्यादिना तस्यापि दायहरत्वे एवाधिकारः सूचितः । अत एव—

" श्राद्धं मातामहानां च ह्यवश्यं धनहारिणा । दौहित्रेण विधिज्ञेन कर्तव्यं विधिवत्सदा ॥ "

इति **लौगाक्षिः** सङ्गच्छते । अत एव "मातामहश्राद्धं मासिश्राद्धे सूत्रभाष्यकारौ न ब्रूत" इति **सुदर्शनेनो**क्तम् । अत एव च **आश्वलायनेना**पि सूत्रे मातामहश्राद्धं नोक्तम् । एवं च—

"यथा व्रतस्थोऽपि सुतः पितुः कुर्यात् क्रियां नृप । उदकाद्यां महाबाहो दौहित्रोऽपि तथाऽर्हति ॥ "

इति **मात्स्यं भविष्यत्पुराणं** च,

"मातामहानामप्येवं श्राद्धं कुर्याद्विचक्षणः । मन्त्रोहेन यथान्यायं शेषमूहविवर्जितम् ॥ "

इति **विष्णु**स्मरणम्,

" मातुः पितरमारभ्य त्रयो मातामहाः स्मृताः । तेषां तु पितृवत् श्राद्धं कुर्युर्दुहितृसूनवः ॥ "

इति **पुलस्त्य**स्मरणं च एकवाक्यतानुरोधेन तत्परतया योज्यम् । पितृवच्छ्राद्धं पार्वणम् । येषां सूत्रे तदुक्तं तेषां तु सर्वथा तदावश्यकम् । यद्वा तानि पुत्रिकासुतविषयाणि । इदमग्रे स्फुटीभविष्यति । दौहित्र्या अप्येवम् । " न पुत्रस्य पिता चैव नानुजस्य तथाऽग्रजः । "

इति **बौधायना**द्युक्तेरेतदभावे दायहरत्वेऽपि पित्रोर्न पिण्डदानादावधिकारः । भ्रातृतत्पुत्रयोस्तु यथाक्रमं वचनमप्यनुपदमेवोक्तम् । अत एव सर्वथाऽपि तयोरनुक्रममधिकारः । 'तस्य भ्रातृसुतश्चक्रे' इत्यादि प्रागुक्तमप्येवंपरमेव । मूलानुरोधात् । तत्र भ्राता कनिष्ठ एव न ज्येष्ठः । अंशहरत्वेऽपि उक्तनिषेधादिति बोध्यम् ।

ननु पिण्डदानादावप्येवं क्रमे स्वीक्रियमाणे—,

"भ्रातॄणामेकजातानामेकश्चेत्पुत्रवान् भवेत् । सर्वांस्तांस्तेन पुत्रेण पुत्रिणो **मनु**रब्रवीत् ॥

"बह्वीनामेकपत्नीनामेका चेत्पुत्रिणी भवेत् । सर्वास्तास्तेन पुत्रेण प्राह पुत्रवतीर्मनुः ॥"

इति **मनोः**, (अ. ९ । १८२ । १८३)

"यद्येकजाता बहवो भ्रातरस्तु सहोदराः । एकस्यापि सुते जाते सर्वे ते पुत्रिणः स्मृताः "

" बह्वीनामेकपत्नीनामेष एव विधिः स्मृतः । एका चेत्पुत्रिणी तासां सर्वासां पिण्डदस्तु सः ॥ "

इति **बृहस्पतेश्च** का गतिः । अयं **मनुस्मृत्या**दौ पाठः । **भट्टवार्तिके कौस्तुभे** च 'सर्वे तेनैवेति' पाठः । अन्यत्र 'सर्वे ते तेनेति' पाठः । **मेधातिथि**संमतस्त्वाद्यपाठः । 'यद्येक' इति **कौस्तुभे** पाठः । 'सर्वासामिति' **मनुस्मृत्यादौ** पाठः । 'पुत्रिण्यो मनुरब्रवीदिति' **कौस्तुभादौ** पाठः । एतेषां यथाश्रुतार्थत्वे त्रयोदशपुत्रत्वापत्त्या पुत्रान् द्वादश यानाहेति **मन्वा**द्युक्तद्वादशसंख्याविरोधापत्तिः । अपुत्रदायाधिकारिक्रमबोधकोक्त**मूल**वाक्ये भ्रातृसुतानां नवमस्थानस्थितिविरोधापत्तिः । पिण्डाद्यधिकारक्रमबोधकवाक्येऽपि पत्नी भ्राता च तज्जश्चेत्यादौ तृतीयस्थानस्थितिविरोधापत्तिश्च । तेषां तद्वत्पुत्रत्वे पत्न्याः पूर्वमेव निवेशौचित्यादिति चेन्न । तेषां किञ्चित्कार्यवत्त्वातिदेशपरत्वेन तेन तेषां वंशाविच्छितेः परलोकस्य पितृऋणदोषापाकरणस्य च करणेन तदर्थं

सर्वपुत्राभावे पत्न्यादिसत्त्वे दत्तकपरिग्रहो नेति तात्पर्यात् । अत एवैकजातानामिति हेतुगर्भं विशेषणमप्यर्थवत् । तत्र च पुमान् स्त्रियेत्येकशेषः । सहोदरा इति **बृहस्पत्ये**कवाक्यत्वात् । अत 'एवैकमातापितृकाणामिति' व्याख्यातं **मेधातिथिना** । अनेन तेषामेव तथा नियमो न भिन्नपितृकाणां भिन्नमातृकाणां चेति सूचितम् । अत एवाभियुक्ताः "अत्रैकजातग्रहणं भिन्नोदराणामेकपितृकाणामपि सपिण्डान्तरलाभदशायां भ्रातृसुतनियमो नेति ज्ञापनार्थं न तु भ्रातृसुतस्याग्राह्यत्वज्ञापनार्थम् ।

" ब्राह्मणादित्रये नास्ति भागिनेयः सुतः क्वचित् । "

इति **वृद्धगौतम**वदत्र निषेधस्मृतेरनुपलम्भात् । पुत्रवानिति मतुपा न त्वेवैकमिति निषेधस्याप्यत्रानवकाश " इति । अत एव च सपत्नीविषये वचनान्तरारम्भः । भ्रातॄणामिति निर्धारणे षष्ठी । अत एव मध्ये इति तेन व्याख्यातम् । तेन ह्येकीयावयवान्वयेनैकमातापितृकत्वेनैकत्वं यथा तेषां तथैकावयवान्वयेन सर्वावयवान्वयसत्त्वेनैकपुत्रत्वं सर्वेषामिति सूचितं द्रौपदीवत् द्व्यामुष्यायणवच्च । अत एव तेनैकपुत्रेण सर्वान्भ्रातॄन् सपुत्रान्मनुराहेति तेन व्याख्यातम् । एतेन प्रागुक्तं पाठान्तरं निरस्तम् । अत एव च सर्वे ते इत्युक्तिसङ्गतिः । अन्यथाऽन्ये ते इत्यादि ब्रूयात् । भ्रातृपदं स्फुटतया भगिनीनिराससूचनद्वारा विषयप्रदर्शनार्थम् । यद्यपि भ्रातृपुत्रावित्येकशेषस्यापि संभवस्तथापि— " ब्राह्मणादित्रये नास्ति भागिनेयः सुतः क्वचित् । "

इति **वृद्धगौतमोक्ते**र्नेति पुमपत्यानामेव ग्रहणम् । एकः एकोऽपि । एकस्यापि सुते जाते इति तदेकवाक्यत्वात् । अनेन द्व्यादेस्तत्त्वे सुतरां तथेति सूचितम् । पुत्रवानित्यत्र पुत्रपदमौरसपरम् । तत्रैव तस्य मुख्यत्वात् । जाते इति तदेकवाक्यत्वाच्च । अनेनान्यत्रायं नियमो नेति सूचिचितम् । अत्र पुत्रत्वेनैकानेकपुत्रप्रतीत्या सर्वविषयमिदम् । अग्रे तेनेत्याद्युक्तिस्तु एकत्र तथात्वेऽनेकत्र तथात्वं निर्विवादमित्येवंपरा । चेदित्यनेन जनकस्यैवातत्त्वे सर्वेषां तत्त्वं दूरापास्तमिति सूचितम् । अत एव भवेदिति संभावने लिङ् । अत्र सर्वं वाक्यमिति न्यायेनैकस्यैव द्वयोरेव त्रयाणामेव वेत्यादिक्रमेण बोध्यम् । अत एवान्ये च पुत्ररहिता इति तेन व्याख्यातम् ।

किं च भ्रातॄणामित्येन न तत्र पुत्रत्वातिदेशः । तथा हि सति पुत्रिण इति पुत्रवतीरिति च पदद्वयमधिकं स्यात् । तेन पुत्रेणेत्येकेनैव पुत्रत्वातिदेशसिद्धेः । पत्रित्वातिदेशस्तेनेति चेत्, लाघवादेवास्तु, कृतं पुत्रत्वातिदेशेन । सोऽपि परिशेषात्कार्यातिदेशः । 'पुत्रिणः पुत्रवतीरिति' श्रवणात् तत्र तद्धर्मातिदेशः । तत्फलं तूक्तं वक्ष्यमाणं चेति दिक् ।

उक्तं चैतत्स्मृतिपादे शिष्टाचारप्रामाण्यप्रतिपादके " अपि वा कारणाग्रहणे प्रयुक्तानि प्रतीयेरन् " (जै. मी. १।३।७) इति सूत्रे **भट्टाचार्यैः**, " रामभीष्मयोस्तु स्नेहपितृभक्तिवशाद्विद्यमानधर्ममात्रार्थदारयोरेव साक्षाद्व्यवहितापत्यकृतपित्रानृण्ययोर्योगसिद्धिः । हिरण्मयीसीताकरणं च लोकापवादभीत्या त्यक्तसीतागतानृशंस्याभावाशङ्कानिवृत्त्यर्थम् । भीष्मश्च—

" भ्रातॄणामेकजातानामेकश्चेत्पुत्रवान्भवेत् । सर्वे तेनैव पुत्रेण पुत्रिणो मनुरब्रवीत् ॥ "

इत्येवं विचित्रवीर्यक्षेत्रजपुत्रलब्धपित्रनृणत्वः । केवलं यज्ञार्थपत्नीसंबन्ध आसीदित्यर्थापत्त्याऽनुक्तमपि गम्यते ।

"यो वा पिण्डं पितृपाणौ विज्ञातेऽपि न दत्तवान् । शास्त्रार्थातिक्रमाद्भीतो यजेतैकाक्यसौ कथम् ॥" इति ।

व्याख्यातं च **न्यायसुधायां भट्टसोमेश्वरशर्मभिः,**—"रामभीष्मयोर्यथा न विरुद्धाचरणकर्तृत्वं तथा विवृणोति रामेति । रतिपुत्रार्थत्वनिरासाय मात्रशब्दः । नन्वेवं सति—

"ऋतुस्नातां तु यो भार्यां संनिधौ नोपगच्छति । तस्या रजसि तं मासं पितरस्तस्य शेरते ॥"

इति विहितातिक्रमात्प्रत्यवायः स्यादित्याशङ्क्य स्नेहपितृभक्तिवशादित्युक्तम् । रामेण सीतास्नेहाद्भार्यान्तरागमनव्रतग्रहणात्, भीष्मेण च शन्तनवे सत्यवती तत्पितरं याचिता त्वयि महाबले राज्याभिलाषुके तिष्ठति एतस्याः पुत्राणां राज्यालाभान्नेमां ददामीति तत्पित्रा प्रत्याख्याते तेन राज्यं नाहं करिष्यामीति प्रतिज्ञाते त्वय्यनिच्छत्यपि त्वत्सन्ततिभयान्नैतस्याः संतती राज्यभागिनी स्यादिति तत्पित्रा पुनः प्रत्याख्याते—

"नापत्यहेतोरपि च करिष्ये तद्विनिश्चयम् । अद्यप्रभृति मे दाश ब्रह्मचर्यं भविष्यति ॥"

इति पितृभक्त्या ब्रह्मचर्यव्रतग्रहणात्, नैमित्तिकेन च व्रतेन नित्यस्य ऋतुकालगमनस्य बाधात् धर्ममात्रार्थमहं भार्यां परिणेष्यामीति उक्त्या परिणीताया अगमनेऽप्यदोष इत्याशयः । एवमप्यनपत्यत्वेन पित्रर्णानपाकरणात्प्रत्यवायः स्यादित्याशङ्क्य साक्षादित्युक्तम् । साक्षादपत्याभ्यां कुशलवाभ्यां कृतपित्रानृण्यो रामः, व्यवहितैर्विचित्रवीर्यस्यापत्यैर्धृतराष्ट्रादिभिः कृतपित्रानृण्यो भीष्मः । ननु रामस्य धर्मार्थं दारान्तरसद्भावे— "यज्ञे यज्ञे प्रकुरुते सीतां पत्नीं हिरण्मयीम् ।" इति हिरण्मयीसीताकरणमपार्थकं स्यादित्याशङ्क्याह हिरण्मयीति । अपवादभीत्या त्यक्ता या सीता तद्गतं तद्विषयं यदानृशंस्यमनैष्ठुर्यं तदभावाशङ्कानिवृत्त्यर्थम् । रावणापहारदूषितां सीतां रामो भजते इति लोकापवादभयमात्रेणासौ त्यक्ता, न सीताया दुष्टत्वात्, नापि रामस्य सीतायां नैष्ठुर्यमिति द्योतयितुम् । लोकापवादभीतिं प्रति त्यागस्य नित्यसापेक्षत्वात्तत्प्रदर्शनाय त्यक्ताशब्दस्य सीतापदेन सह सापेक्षसमासः कृतः । कथं व्यवहितापत्यकृतपित्रानृण्यता भीष्मस्येत्यपेक्षायामाह । भीष्मश्चेति । ननु तयोर्धर्ममात्रार्थं दारसद्भावः क्वचिदपि पुराणेतिहासयोरनुक्तः केन प्रमाणेनावगम्यत इत्याशङ्क्याह । केवलमिति । अपिशब्देनापत्यहेतोः अद्यप्रभृतीति च विशेषणसामर्थ्यादेवमवगम्यते इति सूचितम् । ननु मोहादप्यनुष्ठानोपपत्तेर्नैकान्ततोऽर्थापत्तिः संभवतीत्याशङ्क्य—

"श्राद्धकाले मम पितुर्मया पिण्डः समुद्यतः । तं पिता मम हस्तेन भित्त्वा भूमिमयाचत ॥"

"नैष कल्पे विधिर्दृष्ट इति निश्चित्य चाप्यहम् । कुशेष्वेव तदा पिण्डं दत्तवानविचारयन् ॥"

"इति भीष्मस्यात्यन्तनैपुण्यान्मोहासंभवं दर्शयितुमाह । यो वेति" इति । अत्र नैमित्तिकेन नित्यस्य बाध इत्यंशो धर्मार्थं दारान्तरसद्भाव इत्यंशश्च न युक्त इति प्रतिपादितं गुरुचरणैर्मञ्जूषायां तत एव बोध्यम् ।

न चैवं द्वादशविधपुत्रप्रतिपादनानन्तरं "यत्तु भ्रातॄणामेकजातानामित्यादि, तदपि भ्रातुष्पुत्रस्य पुत्रीकरणसंभवे अन्येषां पुत्रीकरणनिषेधार्थं, न पुनः पुत्रत्वप्रतिपादनाय, तत्सुता गोत्रजा बन्धुरित्यनेन विरोधात्" इति व्याख्याकृदुक्तं विरुध्येतेति वाच्यम् । आशयानवबोधात् । तथा हि । किं तन्निषेधः शाब्दोऽर्थ उत तात्पर्यार्थः । नाद्यः । अक्षरमर्यादया तदप्रतीतेः । नान्त्यः । संभावितशाब्दत्यागेन तदङ्गीकारे निर्बीजत्वात् । तस्मान्नेदं युक्तम् । नन्वस्तु

यथाश्रुतसंभवोऽत आह । न पुनरिति । पश्चादित्यर्थः । द्वादशविधपुत्राभावे पत्न्यादिसत्त्वे इत्यर्थः । अत एवाह । तत्सुता इति । तथा सति इतरपुत्रवत्पत्न्याः पूर्वमेव निवेशौचित्येन तथोक्तिविरोधः स्पष्ट एव । तथा सति त्रयोदशपुत्रत्वापत्त्या ‘ पुत्रान् द्वादश यानाहेति ’ द्वादशसंख्याविरोधापत्तिश्चेत्यपि बोध्यम् । तथा च न तस्य तदर्थप्रतिपादने तात्पर्यं किं त्वेतदर्थखण्डने इति बोध्यम् । अत एव वा तत्रैव हेतूपन्यासो न तु तत्रेति भावः ।

नन्वेवं कस्तर्हि वचनार्थ इति चेत्, प्रागुक्त एव वार्तिकसम्मत इति बोध्यम् । तदनुक्तिस्तु अन्यत्र तस्योक्तत्वेन स्पष्टत्वात् । एतदुक्तिस्तु एकदेश्युक्तार्थान्तरनिराससूचनपूर्वकविरोधखण्डनमात्रतात्पर्येणेति । तथा च तत्र नाग्रहोऽपि त्वत्रेति बोध्यम् ।

एतेन आशौचनिर्णयस्था गुरुचरणोक्तिरपि व्याख्याता । तथा च वार्त्तिकैकवाक्यता सिद्धा । तथा च द्वादशपुत्रभिन्नेन भ्रातृसुतेन तादृशपितृव्यस्य प्रागुक्तकार्यसिद्ध्या तदर्थं पत्न्यादिसत्त्वे पुत्रान्तरपरिग्रहो न कर्तव्य इति तत्त्वम् ।

एतेन “भ्रातॄणामिति सोदरभ्रात्रभावविषयमविभक्तविषयं चेति न पुत्रत्वातिदेशोऽयम् । अतस्तत्र सति एकादशपुत्राः प्रतिनिधयो न कार्याः स एव भ्रातॄणां पिण्डदोंऽशहरश्च” इति **वाचस्पतिमेधातिथिकल्पतरुरत्नाकराद्युक्तं** परास्तम् । उक्तयुक्तेः द्वादशपुत्राभावे पत्नीत्यादिमूलोक्तेश्च ।

अत एव “तस्माद्दत्तकपुत्रप्रशंसेयमिति विज्ञानेश्वर इति ” इति **निर्णयसिन्धूक्तं**, **दिनकरोद्द्योतोक्तं**, “ भ्रातॄणामित्यादि पुत्रित्वातिदेशपरं तत्फलं तु पुन्नामनरकाप्राप्तिः पुंस स्त्रियासपिण्डनार्हत्वमुभयोः कृत्रिमाद्यकरणं च ” इति **मिश्रादि**भिरुक्तं चापास्तम् ।

नन्वेवमपि **मन्वादि**वाक्यस्योक्तार्थकत्वे न भीष्मविषये प्रवृत्तिः, भीष्मविचित्रवीर्यौ भिन्नमातृकावेकपितृकौ, व्यासविचित्रवीर्यावेकमातृकौ भिन्नपितृकौ यथा । किं च । तस्य धृतराष्ट्रादिः क्षेत्रजो नौरसः । एवं च कथं वार्तिकादिसङ्गतिरिति चेन्न । तत्र तदविषयत्वेन तदंशेऽपि तस्यायुक्तत्वेऽपि **मनु**वाक्यस्य तदर्थकत्वे दोषाभावेन प्रकृतेष्टार्थसिद्धेरप्रत्यूहत्वात् । अत एव पितृभक्त्यैव तस्य पित्रर्णापाकरणम् । अग्निहोत्रादिना देवर्णमुक्तिः। किं च “त्रिभिर्ऋणवान्” इत्यादिश्रुतिर्न नैष्ठिकब्रह्मचारिविषया, तदृणापाकरणस्य ब्रह्मचर्येणाग्निकार्यादिना च सिद्धेः स्मृतिषूक्तत्वात्, इति **गुरुचरणै**रुक्तं तत्र ।

यदि तु वार्तिकोक्तिरपि तदंशे योजनीयेत्याग्रहस्तर्हि इत्थं योज्या । एकजातानामित्यत्रैकशब्दः प्रधानपरः ।

“माता भस्त्रा पितुः पुत्रो येन जातः स एव सः । तस्माद्भरस्व दुष्यन्तं माऽवमंस्थाः शकुन्तलाम् ॥ ”

इति **भारतोक्तेः** ।

“बीजस्यैव च योन्याश्च बीजमुत्कृष्टमुच्यते । सर्वभूतप्रसूतिर्हि बीजलक्षणलक्षिता ॥ ”

इति **मनूक्तेश्च** (अ. ९।३५) । क्षेत्रजे तु वैपरीत्यं वाचनिकम् । तथा चैकपितृकत्वमात्रं विवक्षितम् । बृहस्पतिवाक्ये सहोदरत्वमपि पित्रुदरमादायैव । अत एव सोदरा इत्यनुक्तिः । बहव इति तु तत्र स्पष्टार्थम् । बहवोऽपीति तदर्थः । यद्वा भूयांसोऽपीत्यर्थः । ‘कपिञ्जलाधिकरण’न्यायेन बहुत्वस्य बहुवचनबोधितस्य त्रित्वे पर्यवसानमिति व्यवच्छेदाय हि बहव इत्युक्तम् । अथ वा तुशब्दस्य

र्थत्वेन व्युत्क्रमेण च सहोदराश्चेति वाक्यान्तरम् । तथा चोभयोरपि तत्प्रतिपादनम् । तदेकवाक्यतया **मनु**वाक्यस्यापि प्रागुक्तरीत्याऽर्थद्वयं बोध्यम् । अत एवैकयोनिप्रसूतानामिति **स्मृतिसारसमुच्चयो**क्तपाठः सङ्गच्छते । अत एव पुत्रवानित्यत्र पुत्रपदं मातापित्रन्यतरजन्यपरम् । तत्र जाते इत्युक्तिस्वारस्याच्च । एवं च तद्विषयता तत्र स्पष्टैवेति ।

नन्वेवमपि—

"अपुत्रस्य पितृव्यस्य तत्पुत्रो भ्रातृजो भवेत् । स एव तस्य कुर्वीत श्राद्धं पिण्डोदकक्रियाम् ॥
"बह्वीनामेकपत्नीनामेष एव विधिः स्मृतः । एका चेत्पुत्रिणी तासां सर्वासां पिण्डदस्तु सः ॥"

इति **बृहत्पराशरो**क्तिविरोध एवेति चेन्न । आशयानवबोधात् ।

तथा हि । तत्र पूर्वार्धस्योक्त एवार्थस्तत्तुल्यत्वात् । अपुत्रस्य पितृव्यस्य भ्रातृजस्तत्पुत्रो भवेदित्यन्वयः । अपुत्रपितृव्यत्वावच्छिन्नस्य भ्रातुः सुतः तस्यापि पितृव्यत्वावच्छिनस्यापि पुत्रो भवेदित्यर्थः । तदेकवाक्यत्वात् । सर्वं वाक्यमिति न्यायेन व्याख्याने तूक्तविरोधः शास्त्रान्तरविरोधश्च स्पष्ट एव । भ्रातृज एकोऽपि । अत एव तदेकवाक्यता । अपुत्रस्येत्यनेन पुत्रसत्त्वे न तथेति सूचितम् । अत एव पूर्वं तथा व्याख्यातम् । तद्व्याख्यानानुरोधेन पितृपत्न्यः सर्वा मातरः स्मृता इतिवत् प्रागुक्तरूपं पुत्रकार्यकारित्वं विधीयते । तेन तदेकवाक्यता इष्टसिद्धिर्दोषाभावश्चेति सिद्धम् ।

नन्वेवमप्युत्तरार्धस्य का गतिरिति चेत्, अत्रोच्यते । पूर्वार्द्धेन केषाञ्चित् पुत्रकार्याणां सिद्ध्या तदर्थं तत्परिग्रहं प्रतिपाद्य प्रसङ्गाद्विषयविशेषे पिण्डादिरूपकार्यसिद्धिरपि अत एवेत्याह । स एवेति । बुद्धिस्थो विलक्षणभ्रातृपुत्र एवेत्यर्थः । तस्य, तस्यापि पितृव्यत्वावच्छिन्नस्यापि । कुर्वीतेत्यनेन स्वफलार्थं तस्यावश्यकत्वेन तस्य स्वधर्मत्वं सूचितम् । श्राद्धमेकोद्दिष्टादि । पिण्डपदेन दशसु दिनेषु दीयमानाः । उदकमञ्जलिदानादि । क्रियापदेनाग्निसंस्कारादि ।

यद्वा क्रियापदेन कर्मधारयः । अत एव "क्रियालोपादित्येव" **मनुनो**क्तम् । तथा चोत्तरार्द्धं प्रागुक्तक्रमेणौरसादिभ्रात्रन्ताभावविषयम् । एवेन गोत्रजादिव्यवच्छेदः । यद्वा । भ्रातुः सुतानां बहूनां सत्त्वेऽपुत्रपितृव्येण कनिष्ठस्य तस्यैव दत्तकत्वेन पुत्रीकरणे तद्विषयम् । एवेन पत्न्यादिव्यवच्छेदः ।

यद्वा अविभक्तभ्रातृसुतविषयम् । यद्वा विभक्तसंसृष्टभ्रातृसुतविषयम् । अत्र पक्षद्वये यथा पत्नीसत्त्वेऽपि दायहरत्वं भ्रातुस्तथा पत्न्यादिसत्त्वे भ्रात्रभावे तस्य धनहारित्वम् । भ्रातृसत्त्वे तस्य धनहारित्वेऽपि पिण्डदानादौ तस्यैवाधिकारो नांशहरणप्रयुक्तोऽन्यस्य । तत्र भ्रातृसत्त्वे जीवत्पितृकनिषेधबाधकमिदं, विशेषविहितत्वात् । अत्र पक्षे यथा तस्य भ्रातृसुतश्चके इत्यादिना न विरोधस्तथोक्तं प्राक् । यद्वा । इदं तादृशगतपितृकविषयकमेवास्तु । सर्वथा पत्न्यादिः एवव्यवच्छेद्यः ।

वस्तुतस्तु द्वादशविधपुत्राभावे पत्न्यादिसत्त्वे तेषां यथाक्रममुक्तरीत्या दायहरत्वेऽपि श्राद्धादिकमपि वंशाविच्छित्त्यादिवत् भ्रातृसुतेनैव कार्यमिति तदर्थमपि दत्तकपरिग्रहो नेत्यनेन प्रतिपाद्यते इति न पूर्वतो वैरूप्यम् । न च "यश्चार्थहरः स पिण्डदायी" इति **विष्णुस्मृ**तिविरोधः । तद्बाधनार्थमेवास्य प्रवृत्तेः । तथा च "तत्र पुत्रः पितृवित्ताभावेऽपि" इत्यत्र पुत्रपदेनैकादशप्रतिनिधिवदेतस्यापि ग्रहणेनोक्तनियमस्य तदन्यविषयत्ववदेतदन्यविषयत्वमपीति न तद्विरोधः । तत्र पितृवित्ताभावेऽपीत्यस्य तस्य निर्धनत्वेन तदसत्त्वेऽपीतिवदुक्तक्रमेण स्वस्याधिकारेऽपि तत्सत्त्वेऽनधिकारेण तदप्राप्तावपीत्यर्थः ।

न चैवमपि कथं तस्य पितृत्वं, तस्य साक्षाज्जनके एव प्रसिद्धेरिति वाच्यम् । "पितरो यत्र पूज्यन्ते" "पञ्चैते पितरः स्मृताः" इत्यादौ साक्षाज्जनकभिन्नेऽपि पितृशब्दस्य प्रयोगात् । तथा च यन्निरूपितं पुत्रत्वं तत्कार्यकरत्वे च तस्य तत्र ग्रहणमिति न दोषः । तथा च तस्य निर्धनत्वे तथा सत्त्वेऽपि सधनत्वे तदीयौर्ध्वदेहिकाद्युपयोगि तावत्पर्यन्तं तद्वृत्त्युपयोगि च तस्मै दत्त्वा ऽवशिष्टमधिकारिणा ग्राह्यम् । अत एव वित्ताभावेऽपीत्युक्तं, न वंशाभावेऽपीति । अत एव—

"अदायिकं राजगामि योषिद्भृत्यौर्ध्वदेहिकम् । अपास्य श्रोत्रियद्रव्यं श्रोत्रियेभ्यस्तदर्पयेत् ॥"

इति **कात्यायनेनो**क्तम् । न चैवमपि पत्ये दद्याच्च सा पिण्डम् इति **वृद्धमनु**विरोधः, तस्या अंशहरत्वे तद्दातृत्वपरत्वस्य तस्योक्तत्वेन तद्वैपरीत्यपरतया अत्र पक्षद्वये उक्तत्वादिति वाच्यम् । तस्य सङ्कल्पाग्निदानमात्रपरत्वात् । अत एव—

"पूर्वं मृता त्वग्निहोत्रं मृते भर्तरि तद्धनम् । लभेत्पतिव्रता नारी धर्म एष सनातनः ॥
"जंगमं स्थावरं सर्वं कुप्यं हेम रसाम्बरम् । आदाय दापयेच्छ्राद्धं मासषाण्मासिकाब्दिकम् ॥
"पितृव्यगुरुदौहित्रान् भर्तुः स्वस्रीयमातुलान् । पूजयेत् कव्यपूर्ताभ्यां वृद्धांश्चाप्यतिथीन् स्त्रियः ॥"

इति **प्रजापतिः** सङ्गच्छते ।

किं च । तथात्वेऽमन्त्रकक्रियापत्तिः । सा चोक्तरीत्या तथा सम्भवति न युक्ता । अत एव—

"सर्वाभावे स्त्रियः कुर्युः स्वभर्तॄणाममन्त्रकम् ।" इति **भविष्यपुराणं मार्कण्डेयपुराणं** च,
"कुलद्वयेऽपि चोत्सन्ने स्त्रीभिः कार्या क्रिया नृप ।" इति **विष्णुपुराणम्**,
"कुलद्वये समुच्छिन्ने स्त्रीभिः कार्या क्रिया नृप ।" इति **भारतम्**,
"सर्वेषां पुत्रहीनानां स्वभर्तॄणाममन्त्रकम् । सर्वबन्धुविहीनस्य पत्नी कुर्यात्सपिण्डनम् ॥"

इति **स्मृत्यन्तरं** च सङ्गच्छते । अत एव तत्कर्तृकमग्निदानमात्रं समन्त्रकमित्युक्तं **स्मृतिषु** ।

तथा च **कात्यायनः**—

"असंस्कृतेन पत्न्या च ह्यग्निदानं समन्त्रकम् । कर्तव्यमितरत्सर्वं कारयेदन्यमेव हि" ॥ इति ।

अत एव च—

"अपुत्रस्य स्त्रिया कार्यं पिण्डश्राद्धं तथोदकम् । क्रियालोपो न कर्तव्यः प्रेतस्य गतिकांक्षिभिः ॥"

इति **बौधायने** क्रियालोप इत्याद्युक्तम् । अत एव च—

"पितृमातृसपिण्डैस्तु समानसलिलैस्तथा । तत्संघातगतैश्चैव राज्ञा वा धनहारिणा ॥
"पूर्वाः क्रिया मध्यमाश्च पुत्राद्यैरेव चोत्तराः । दौहित्रैर्वा नरश्रेष्ठ कार्यास्तु तनयैस्तथा ॥"

इति **विष्णुपुराणे पराशरेण** पुत्राद्यैरेवेत्युक्तम् । तस्य च भ्रातृसन्तत्यन्तैरित्यर्थः ।

"पुत्रः पौत्रः प्रपौत्रो वा तद्वद्वा भ्रातृसंततिः ।" इति **तेनैवो**क्तत्वात् इति केचित् ।

वस्तुतस्तु द्वितीयपक्षे शङ्काया एवाभावेऽपि प्रथमपक्षोक्तरीत्याऽत्र सर्वाभावे इत्युक्त्या तस्य च द्वादशपुत्राद्यभावे तादृशभ्रातृसुतयोरभावे चेत्यर्थेन कुलद्वयोच्छेदापरपर्यायेण तस्य सधनत्वे च पत्न्यैव

कार्यम् इतिपरत्वं **वृद्धमनोः**। तदप्युक्तरीत्या कुलद्वयोच्छेदे तावन्मात्रं समन्त्रकम्, अन्यदमन्त्रकम्। एतदर्थमेव अपुत्रा पुत्रवत्पत्नीत्यतिदेशः। तथा च तदर्थं धर्मपुत्रो न विधेयः। कुलद्वयान्तर्गतस्य कस्यचित्कनिष्ठस्य तदन्यस्य सत्त्वे तु तावन्मात्रं समन्त्रकं तया कार्यम्, अन्यदन्यद्वारा समन्त्रकमेव कारणीयामीति न कश्चिद्विरोध इति बोध्यम्।

एतेन दुहिताऽपि तादृशतत्सद्भावे निरस्ता। एवं दौहित्रोऽपि। सगोत्रसद्भावे भिन्नगोत्रस्य तदनधिकारात्। अत एव "पुत्राभावे सपिण्डा मातृसपिण्डाः शिष्याश्च दद्युस्तदभावे ऋत्विगाचार्यौ-विति" **गौतमः** सङ्गच्छते। अत एव च "दद्युरिति बहुवचनेनोदकदानवत्सर्वैः पिण्डदानं कार्य-मिति नाशङ्कनीयं, किं तु पुत्रेणैव कार्यं, तदभावे प्रत्यासन्नेन सपिण्डानामन्यतमेन, तदभावे मातृ-सपिण्डादिना कार्यम्" इति **विज्ञानभ्वरेण** व्याख्यातमाशौचप्रकरणे। न चैवम्—

"असगोत्रः सगोत्रो वा यदि स्त्री यदि वा पुमान्। प्रथमेऽहनि यो दद्यात्स दशाहं समापयेत्॥"

इति **गृह्यपरिशिष्टस्य**,

"असगोत्रः सगोत्रो वा योऽग्निं दद्यात्सखे नरः। सोऽपि कुर्यान्नवश्राद्धं शुद्ध्येत्तु दशमेऽहनि॥"

इति **दिवोदासीयस्य** च का गतिरिति चेत्, पुत्राद्यसंनिधानविषयं तदिति गृहाण। न चैवं प्रागुक्त**मनुविष्णु**विरोध इति वाच्यम्। तेस्यैतदभावविषयत्वात्। न च विनिगमनाविरहः। पिण्डाधिकारिक्रमबोधकवाक्येषु प्रागुक्तेषु पुत्रः पौत्रः प्रपौत्रः पत्नी भ्रातेत्यादिषु तदनन्तरं तदनुक्तेरेव विनिगमिकायाः सत्त्वात्। न च "यश्च" इति**विष्णू**पोद्बलितपत्नीतिमूलोक्तक्रमस्य प्राबल्यम्। तद-पेक्षया पुत्रस्येत्याद्युपोद्बलितप्रागुक्तवाक्यीयपिण्डदानादिक्रमस्यैवान्तरङ्गत्वेन प्राबल्यात्। न च पौत्रदौहित्रयोरित्यादिप्रागुक्तमनोस्तस्येतोऽप्यन्तरङ्गत्वम्। भ्रातॄणामित्याद्युक्त्याऽस्य पुत्रस्थानीयत्वेन ततोऽप्यन्तरङ्गत्वात्। अत एवोक्तवाक्याद्दौहित्रसत्त्वेऽपि सापत्नपुत्रस्यैव क्रियाकरणाचारः सङ्गच्छते इति दिक्।

पित्रोस्तु प्रागुक्तरीत्यैव निरासः।

नन्वेवमपि भ्रातृतत्पुत्रसमवाये उक्तरीत्या द्विविधया क्रमेण तयोः प्राप्तिः, इतस्तु तत्पुत्रस्यै-वोक्तरीत्या प्राप्तिरिति चेत्, शृणु। 'नानुजस्य तथाऽग्रज' इति **बौधायना**द्युक्तनिषेधेन पिण्डाधि-कारिक्रमबोधकवाक्येषु भ्रातृपदस्य कनिष्ठभ्रातृपरत्वस्यावश्यं वक्तव्यत्वेन तयोरुक्तरीतिद्वयेन क्रमसत्त्वेऽपि भ्रातॄणामित्यादावेकशब्दस्य प्रथमार्थकतया ज्येष्ठपरत्वेन तस्यानाधिकारेण तद्विषयमिद-मित्यविरोधः।

यदि तु पत्नी भ्रातेति पुत्रः पौत्र इति च न तत्र क्रमबोधकं किं तु तत्स्वरूपबोधकम्, एवं च न दोषलेशः, क्रमस्तु दायहरणीय एव, उक्त**विष्णु**वाक्यादित्युच्यते तदैकशब्दस्य तत्र संख्यार्थकत्वेना-सङ्कोचेन तत्सत्त्वेऽपि तत्सुत एवाधिकारीत्यनेन बोध्यते। एवं च भ्रातॄणामित्यापि तत्र बहुवचनं "तावतो वारुणान्" इतिवद्यथासम्भवप्राप्तानेकत्वानुवादः।

वस्तुतस्तु "हलोऽनन्तरा" इतिवदेकशेषस्तत्र बोध्य इति न दोष इति तत्त्वं बोध्यम्। एवं च "नापुत्रस्य लोकोऽस्ति" "जायमान" इत्यादिशास्त्रबोधितस्यापुत्रत्वप्रयुक्तदोषस्य निवृत्त्यादि प्रागुक्तत्रयं द्वादशविधपुत्रभिन्नेनापि भ्रातृसुतेनापुत्रस्य पितृव्यस्य भवतीति **मन्वे**कवाक्यतया यथा पूर्वार्धेन प्रतिपाद्यते, अत एव "सुते जाते" "पुत्रवान्भवेत्" इति जनिसत्तामात्राभ्यां तेषां

पुत्रवत्त्वसङ्कीर्तनं, तथोत्तरार्द्धेन पिण्डादिरूपकार्यमपि तत एव तस्य भवतीति अपूर्वं प्रतिपाद्यते। अत एव—

"सपितुः पितृकृत्येषु ह्यधिकारो न विद्यते। न जीवन्तमतिक्रम्य किञ्चिद्दद्यादिति श्रुतिः ॥"

इति **कात्यायन**स्य नात्र प्रवृत्तिः। तथा च तदुपयोग्यंशहरत्वमपि तत्सत्त्वे तदभावे सिद्धम्। युक्तं चैतत्। स्वपुत्रेणेव भ्रातृसुतेनापि पिण्डादिनिर्वाहस्य समस्तपितॄणां वंशविच्छेदपरिहारस्य ऋणापाकरणस्य परलोकस्य च सम्भवात्। एवं च तदर्थं केवलं भ्रातुष्पुत्रवतोऽपुत्रस्य दत्तकादिस्वीकारप्रवृत्तिनिरासः। एवं सति **मन्वादि**वाक्यस्य तत्परत्ववत्पिण्डदानादिपरत्वमपि बोध्यम्। अत एव तदेकवाक्यता सर्वतः सिद्धा। एवं सति न कस्यापि विरोधोऽनेन, नापि मिताक्षराविरोधः, नापि द्वादशसंख्याविरोधः, नापि मन्वादिवाक्ये क्रियाद्यध्याहारजक्लेशः, नापि तत्स्थानविनेशानुपपत्तिः, पुत्रत्वेनाकृतानां भ्रातृसुतानां पत्न्यादिसत्त्वे। तदभावे पुत्रकार्यम्। ऋणापाकरणादिकारिणामपि वचनाद्रिक्थग्रहणाधिकारसंभवात्। तथा कृतानां तु तेषां भवत्येव ततः प्राक् तदधिकारः। पत्न्यादितः पूर्वं मदीयपिण्डदानरिक्थाधिकारी कश्चिद्भवेदिति कामनायां भ्रातृसुतस्यैव दत्तकविधिना स्वीकार उचित इत्यप्यनेन सूचितं भवति। उक्तफलजनकतया पुत्रसदृशस्यैव तस्य पुत्रप्रतिनिधित्वेन स्वीकरणमुचितमिति षाष्ठप्रतिनिधिन्यायसिद्धमेवानेन व्यञ्जितं च भवतीत्यलम्।

एतेन "**मनु**वाक्यं प्राशस्त्यपरं **पराशर**वाक्यं तु भ्रातृव्येण पितृवत्पितृव्यपार्वणश्राद्धमवश्यं कर्त्तव्यमित्येवं परम्।

पराशरेणैव तदग्रे—

"पार्वणं तेन कार्यं स्यात्पुत्रवत् भ्रातृजेन तु। पितृस्थाने तु तं कृत्वा शेषौ पूर्ववदुच्चरेत् ॥"

इत्यभिधानात्। न तु पुत्रत्वप्रतिपादकमुभयम्। त्रयोदशपुत्रत्वापत्तेः" इत्यपास्तम्। विधित्वादिसम्भवरहितस्य यथाकथंचिद्विधिसंसृष्टस्यान्यथानुपपत्त्या द्विविधया शक्यार्थस्य प्रकृतानुपयोगेन वाक्यस्य लक्षणया प्राशस्त्यपरत्वस्य **पूर्वमीमांसायां** प्रथमाध्यायस्य द्वितीये पादे "वायुर्वै क्षेपिष्ठा देवता" इत्यादौ प्रतिपादितत्वेनात्रातथात्वेन तदसम्भवात् अतिदेशविधित्वसम्भवात्। अत एव तदकल्पनात्। अत एव तदसंसृष्टत्वाच्च।

न चापुत्रेणैवेत्यादि विधायकं, तस्य पुत्रप्रतिनिधिविधायकत्वेऽपि अस्यातथात्वेन तदसम्भवात्। वाचनिकप्रतिनिधित्वस्यैकादशस्वेव सत्त्वात्। तथा च—

"क्षेत्रजादीन्सुतानेतानेकादश यथोदितान्। पुत्रप्रतिनिधीन् प्राहुः क्रियालोपान्मनीषिणः ॥"

इति **मनुः**। (अ. ९। १८०)

पुत्रप्रतिनिधीन् औरसपुत्रिकाप्रतिनिधीन्। तेन तयोरभावे तदुपादानम्। मुख्यभावे प्रतिनिध्युपादानस्य शास्त्रार्थत्वात्।

अत एव **बृहस्पतिः**,

"आज्यं विना यथा तैलं सद्भिः प्रतिनिधिः स्मृतः। तथैकादश पुत्राः स्युः पुत्रिकौरसयोर्विना ॥" इति। तेन तयोरसत्त्वे एव ते भवन्ति। अत एवोक्तम्— "सन्तानकारणं तेषाम् औरसः पुत्रिका तथा"। इति।

एतेन 'सर्वाभावे धर्मपुत्रपरं तद् **व्यासयम**वाक्यम् "अपुत्रेण सुत" इति। यादृक् सपिण्डोऽसपिण्डो वा सजातीयोऽन्यजातीयो वा शूद्रान्य इति तदर्थः" इति **मिश्ररत्नाकरा**द्युक्तमपास्तम्। तस्य द्वादशपुत्रविधिनोपसंहारात्।

अत्र " पुमांस एव पुत्रा मे जायेरन्निति " **सूत्रे** मीमांसायां " पुमांसं पुत्रमाधेही"त्यादि**श्रुतौ** च पुत्रपदस्य कन्यावाचित्वदर्शनात्कन्याया अपि दानप्रतिग्रहौ स्त इति **कृष्णयज्वादयः** ।

वस्तुतस्तु चिन्त्यमिदं लोकशास्त्रविरुद्धत्वात् । तत्र विशेषणं त्वतिशयितपुंस्त्वबोधनाय । तत्त्वं चानुशिष्टत्वादि । स्पष्टं चेदं **शब्दरत्नभावप्रकाशादौ** । एवं च सीतायाः कुन्त्याश्च **महाभारतादौ** दत्तकत्वोपाख्यानात् तथैव शिष्टाचाराच्च तथेति युक्तमिति बोध्यम् । एतेन पुंस्त्वविवक्षा तत्रेति मतमपास्तमित्यग्रे स्फुटीभविष्यति ।

एतेन **मनु**वाक्यस्यापि तत्त्वं निरस्तम् । **मिताशरा** तु न विरुद्धा यथा तथोक्तं प्राक् । एव मन्येषां सुयोजत्वे तथाऽस्तु । अन्यथाऽस्य प्रामादिकत्वमेवास्तु । एवं **पराशर**स्यापि तत्परत्वं नयुक्तम् । सम्भवति प्रोक्तरीत्या शक्यार्थपरत्वे लक्षणानौचित्यात् । पूर्वार्धस्यैवकारस्योदकक्रियाम् इत्यस्य च **भ्रान्त**प्रलपितत्वापत्तेः । वक्ष्यमाणार्थमात्रप्रतिपादकत्वे च पौनरुक्त्यापातात् । उत्तरार्धस्याविवरणपरतया योजनेऽपि पूर्वार्द्धेन दोषतादवस्थ्यात् । पूर्वमध्यमयोः क्रिययोरनधिकारापत्तेः । एकोद्दिष्टे तदापत्तेश्च ।

न च—

" सपिण्डीकरणादूर्ध्वं पित्रोरेव हि पार्वणम् । पितृव्यभ्रातृमातॄणामेकोद्दिष्टं सदैव हि ॥ "

इति **कात्यायनोक्तेः**—

" सपिण्डीकरणादूर्ध्वं यत्र यत्र प्रदीयते । भ्रात्रे भगिन्यै पुत्राय स्वामिने मातुलाय च ॥

" मित्राय गुरवे श्राद्धमेकोद्दिष्टं न पार्वणम् । "

इति **वृद्धवसिष्ठाच्च**—

" अपुत्रा वा मृताः केचिन्पुरुषा वा स्त्रियोऽपि वा । तेषामपि च देयं स्यात् एकोद्दिष्टं न पार्वणम् ॥"

इत्या**पस्तम्ब**प्राप्तैकोद्दिष्टबाधनार्थमेवेदमिति वाच्यम् ।

" पितृव्यभ्रातृमातॄणां ज्येष्ठानां पार्वणं भवेत् । एकोद्दिष्टं कनिष्ठानां दंपत्योः पार्वणं मिथः ॥"

इति **चतुर्विंशति**मतविरोधापत्तेः ।

न च इत एव तत् यथा कर्त्रपेक्षया कनीयः पितृव्यादिविषयम्, एवं तदपि ज्येष्ठपितृव्यविषयमिति वाच्यम् । सामान्यस्मृतेः सङ्कोचेन व्याख्याने मानाभावात् । पूर्वं तेषां मध्ये कनिष्ठपरत्वस्योक्तत्वेऽपि कर्त्रपेक्षया तत्परत्वस्यानुक्तत्वेन तदविरोधात् । अत्र गुरुर्मन्त्रोपदेष्टा विद्याप्रदाता च । मातृपदं मातृसपत्नीपरम् । जनन्याः पार्वणविधानादेकोद्दिष्टविधानानुपपत्तेः । मम तु पूर्ववाक्येन द्वयोरपि तयोः सकलक्रियाप्राप्तावुत्तरक्रिया कथं कार्या ज्येष्ठस्येत्याकांक्षायां तदेकवाक्यतया तेन तस्यैव पार्वणं विधीयते इति न दोषः । अत एव—

" अपुत्रस्य पितृव्यस्य श्राद्धादि पितृवद्भवेत् । "

इति '**स्मृत्यन्तर**'मप्युपपन्नम् । यद्वेदमुभयपरमस्तु, पितृवदाचाराद्व्यवस्था ।

किं च । पार्वणश्राद्धमवश्यं कर्तव्यमित्यत्रावश्यंशब्दस्याङ्गीकारार्थत्वस्य निश्चयार्थत्वस्य चासम्भवेनावधारणार्थत्वस्य वाच्यत्वेन तदेव कर्तव्यमित्यर्थोऽथवा तत्कर्तव्यमेवेत्यर्थो वा । नाद्यः । प्रागुक्तस्य स्मृत्या पितृवदाचारप्राप्तैकोद्दिष्टबाधापत्तेः । नान्त्यः । उक्तरीत्यैव तदकरणे दोषापत्तेरिति दिक् ।

यदपि न त्वित्यादि, तदपि न । 'अपुत्रा पुत्रवत्पत्नी' त्युशनःस्मृतेः पत्न्यां तत्त्वातिदेशेऽपि यथा न तदाधिक्यं तथाऽत्र तदतिदेशेन तदप्रतिपादकत्वेन तदनाधिक्येन तदविरोधात् । अन्यत्र अन्यशब्दः प्रयुज्यमानो विनाऽपि 'वतिं वत्यर्थं गमयतीति ' न्यायात् अस्याप्रतिनिधित्वेन दायग्रहण-क्रमबोधकवाक्ये तत्र पाठोपपत्त्या तदविरोधात् । पिण्डादौ त्वयमेव ततः प्रबल इत्युक्तम् ।

किं चास्तु तदाधिक्यं, न च तत्संख्याविरोधः । तदाशयानवबोधात् । तथा हि । **याज्ञवल्क्ये**नौरसादयो द्वादशपुत्रा गणितास्ते च प्रागुक्ता एव ।

हारीतोऽपि—

षड् बन्धुदायादाः षडबन्धुदायादाः । साध्व्यां स्वयमुत्पादित औरसः, क्षेत्रजः, पौनर्भवः, कानीनः, पुत्रिकापुत्रो, गृहे गूढोत्पन्न इति बन्धुदायादाः दत्तः, क्रीतको, ऽपविद्धः, सहोढः, स्वयमुपागतः, सहसादृष्टश्चेत्यबन्धुदायादा " इति ।

यमोऽपि,

" पुत्रास्तु द्वादश प्रोक्ता मुनिभिस्तत्त्वदर्शिभिः । तेषां षड् बन्धुदायादाः षडदायादबान्धवाः ॥
" स्वयमुत्पादितस्त्वेको द्वितीयः क्षेत्रजः स्मृतः । तृतीयः पुत्रिकापुत्र इति धर्मविदो विदुः ॥
" पौनर्भवश्चतुर्थस्तु कानीनश्चैव पञ्चमः । गृहे तु गूढ उत्पन्नः षडेते पिण्डदाः स्मृताः ॥
" अपविद्धः सहोढश्च दत्तः कृत्रिम एव च । पञ्चमः क्रीतकः पुत्रो यश्चोपानयते स्वयम् ॥
" इत्येते मुनिभिः प्रोक्ताः षडदायादबान्धवाः । " इति । औरसादीनभिधाय—
" एते द्वादशपुत्रास्तु सन्तत्यर्थमुदाहृताः । आत्मजाः परजाश्चैव लब्धा यादृच्छिकास्तथा ॥
" तेषां षड् बन्धुदायादाः पूर्वेऽन्ये पितुरेव षट् । " इति **देवलो**ऽपि ।

" औरसादीन् कृत्रिमरहितान् यत्रक्वचनोत्पादितसहितानभिधायैतेषां यः पूर्वः स श्रेयान्स एव दायहरः स चान्यान् बिभृयादिति " **विष्णु**रपि ।

" औरसः क्षेत्रजश्चैव पुत्रिकापुत्र एव च । कानीनश्च सहोढश्च गूढोत्पन्नस्तथैव च ॥
" पौनर्भवोऽपविद्धश्च दत्तः क्रीतः कृतस्तथा । स्वयं चोपगतः पुत्रा द्वादशैते प्रकीर्तिताः ॥
" एषां षड् बन्धुदायादाः षडदायादबान्धवाः । पूर्वः पूर्वः स्मृतः श्रेष्ठो जघन्यो यो य उत्तरः ॥
" क्रमादेते प्रवर्तन्ते मृते पितरि तद्धने । श्रेयसः श्रेयसोऽभावे जघन्यस्तदवाप्नुयात् ॥ "

इति **नारदो**ऽपि । (अ. १३ श्लो. ४५।४९)

वसिष्ठोऽपि—(अ. १७ सू. १३।१४।१५।१८।२१)

" द्वादशैव पुत्राः पुराणदृष्टाः । स्वयमुत्पादितः स्वक्षेत्रे संस्कृतायामौरसः प्रथमः । तदलाभे नियुक्तायां क्षेत्रजो द्वितीयः । तृतीयः पुत्रिका विज्ञायते । पौनर्भवश्चतुर्थः । कानीनः पञ्चमः " इत्यादि ।

मनुरपि—(अ. ९ श्लो. १५८।१५९।१६०)

"पुत्रान् द्वादश यानाह नृणां स्वायंभुवो मनुः । तेषां षड् बन्धुदायादाः षडदायादबान्धवाः ॥
" औरसः क्षेत्रजश्चैव दत्तः कृत्रिम एव च । गूढोत्पन्नोऽपविद्धश्च दायादा बान्धवाश्च षट् ॥
"कानीनश्च सहोढश्च क्रीतः पौनर्भवस्तथा । स्वयंदत्तश्च शौद्रश्च षडदायादबान्धवाः ॥" इति ॥

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१ ख—यश्चोपनयेत्वित्यादि । फ—नन्वित्यादिना अपुत्रा... । २ फ—पूर्वेभ्यो ।

अत्र कैश्चित्पुत्रिकापुत्रं विहाय शौद्रमूरीकृत्य द्वादशत्वमुक्तं, कैश्चिद्विपरीतमुक्तं, कैश्चित् कृत्रिमं विहाय तमङ्गीकृत्य तदुक्तम् । न च शौद्रस्यौरसत्वेनैव संग्रहात्पृथगुक्तिर्व्यर्था । अत एव कैश्चित्तस्य गणनं न कृतम् ।

अत एव— (**याज्ञ.** २।१२५)

'चतुस्त्रिद्व्येकभागाः स्युर्वर्णशो ब्राह्मणात्मजाः । क्षत्रजास्त्रिद्व्येकभागा विड्जास्तु द्व्येकभागिनः ॥'

इति भिन्नजातीयानां विभाग उक्तः । अत एव च सजातीयेष्वयमित्यत्र कानीनाद्यनुरोधेन सजातीयत्वमूरीकृत्य मूर्धावसिक्तादीनामौरसेऽन्तर्भावं स्वीकृत्य "शूद्रापुत्रस्त्वौरसोऽपि कृत्स्नभागमन्याभावेऽपि न लभते" इति **विज्ञानेश्वरे**ण व्याख्यातमिति वाच्यम् । तस्य तल्लक्षणानाक्रान्तत्वात् ।

तथाहि । द्विविधस्तावत् शूद्रापुत्रः ।

तत्र—(**याज्ञ.** १ । श्लो. ९१।९२)

"विप्रान्मूर्द्धावसिक्तो हि क्षत्रियायां विशः स्त्रियाम् । अम्बष्ठः शूद्र्यां निषादो जातः पारशवोऽपि वा॥

"वैश्याशूद्र्योस्तु राजन्यान्माहिष्योग्रौ सुतौ स्मृतौ । वैश्यात्तु करणः शूद्र्यां विन्नास्वेष विधिः स्मृतः ॥"

इति **मूलेन** प्रतिपादित एकः ।

विष्णुनाऽपि, "यत्र क्वचनोत्पादितश्च द्वादश" इति ।

वासिष्ठेनापि, (अ. १७ सू. ३८) "शूद्रापुत्र एव षष्ठो भवतीत्याहुरिति ।"

बौधायनेनापि, (२।२।२९-३०) "द्विजातिप्रवरात् शूद्रायां जातः कामात्पारशव" इति ।

मनुनाऽपि, (अ. ९ । १७८)

"यं ब्राह्मणस्तु शूद्रायां कामादुत्पादयेत्सुतम् । स पारयन्नेव शवस्तस्मात्पारशवः स्मृतः ॥" इति ।

द्वितीयस्तु द्विजातेर्दास्यामुत्पन्नः । तत्राद्यस्य न तदभावे कृत्स्नधनहारित्वम् ।

"यद्यपि स्यात्तु सत्पुत्रो यद्यपुत्रोऽथवा भवेत् । नाधिकं दशमाद्दद्याच्छूद्रापुत्राय धर्मतः ॥"

इति **मनू**क्तेः (अ. ९ । १५४) । इत एव क्षत्रियावैश्यापुत्रयोः सवर्णापुत्राभावे सर्वधनग्रहणं सिद्धम् ।

द्वितीयस्तु "जातोऽपि दास्यां शूद्रेणे"त्यत्र शूद्रग्रहणात्पितुरिच्छयाऽपि नांशं भजते नाप्यर्द्धं दूरत एव कृत्स्नम् । किं तु 'अनुकूलश्चेज्जीवनमात्रं लभते' इति ।

औरसलक्षणं तु मूले 'औरसो धर्मपत्नीज' इति ।

वसिष्ठोऽप्युक्तः ।

विष्णुरपि, "अथ द्वादश पुत्रा भवन्ति स्वक्षेत्रे संस्कृतायामुत्पादितः स्वयमौरसः प्रथम" इति।

देवलोऽपि, "संस्कृतायां च भार्यायां स्वयमुत्पादितो हि यः । औरसो नाम पुत्रः सः" इति।

आपस्तम्बोऽपि, (२।१३।१) "सवर्णां पूर्वशास्त्रविहितां यथर्तु गच्छतः पुत्रास्तेषां कर्मभिः संबन्धः । दायेनाव्यतिक्रमश्चोभयोरिति ।"

बौधायनोऽपि, (२।२।१४) "सवर्णायां संस्कृतायां स्वयमुत्पादितमौरसं पुत्रं विद्यादिति" ।

श्रुतिश्च, "अङ्गादङ्गादिति"—

"आधत्त पितरो गर्भं कुमारं पुष्करस्रजम् । यथेह पुरुषस्यात्मा तस्मात्त्वमिह जायसे ॥

"आत्मा पुत्र इति प्रोक्तः पितुर्मातुरनुग्रहात् । सर्वान् नस्त्रायसे यस्मात्पुत्रस्तेनासि संज्ञितः॥" इति च । "सवर्णा धर्मविवाहोढा धर्मपत्नी तस्यां जात औरसः पुत्रो मुख्यः " इत्यत एव **विज्ञानेश्वरेण** व्याख्यातम् । (मि. पृ. ८८ पं. ७।८)

मनुनाऽपि—(अ. ९ । १६६)

" स्वक्षेत्रे संस्कृतायां तु स्वयमुत्पादयेद्धि यम् । तमौरसं विजानीयात्पुत्रं प्राथमकल्पिकम् ॥ " इति ।

एवं च शूद्रापुत्रस्य द्विविधस्यापि तल्लक्षणानाक्रान्तत्वात्पृथगुक्तिः । अत एव मूर्धावसिक्तादीनामौरसेष्वन्तर्भाव इति **विज्ञानेश्वरेणो**क्तम् । शूद्रापुत्रस्त्वौरसोऽपीत्यत्र तु स यौगिको न तु रूढः - केषांचित् गणनाकरणे बीजं तु कृत्स्नधनहारित्वाभावादेव । **मूलेन** तु चतुरित्यादिना क्षत्रियापुत्रादिवत्तस्य कथनं प्राक् कृतमेव । **मनुना**ऽपि पूर्वं पुत्रिकापुत्रस्य दौहित्र एव च हरेदित्यादिना कथनात्तत्रानुक्तिरिति न न्यूनता । सर्वथा ततः पुत्राधिक्यलाभान्न द्वादशत्वं नियतम् ।

अत एव " ननु क्षेत्रजाद्यपेक्षया पुत्रिकापुत्रस्य पुत्रत्वेनाधिक्ये द्वादशसंख्यातिरेक आप्नोति । भवतु को दोषः त्रयोदशोऽयं पुत्रोऽस्तु " इति **मेधातिथिना** व्याख्यातम् । अत एव **विज्ञानेश्व**रेण ' भ्रातॄणामि'त्यस्य तथा व्याख्याने संख्याविरोधरूपदोषोद्भावनं न कृतम् । अत एव च **बृहस्पतिः**, "पुत्रास्त्रयोदश प्रोक्ता मनुना येऽनुपूर्वशः । सन्तानकारणात्तेषामौरसः पुत्रिका तथा ॥ "आज्यं विना यथा तैलं सद्भिः प्रतिनिधिः स्मृतम् । तथैकादश पुत्रास्तु पुत्रिकौरसयोर्विना"॥ इति ।

एवं च तत्र तत्र द्वादशत्वोक्तिस्तत्र तत्र परिगणितानां स्फुटतया संख्याबोधनद्वारा न्यूनत्वव्यवच्छेदनार्था, नाधिक्यव्यवच्छेदार्था । तत्रान्येषां यथासंभवमन्तर्भावमभिप्रेत्य वेति न दोषः । अन्यथा तेन तत्र तस्य गणनात्तस्यान्यत्रागणनान्मिथो विरोधः स्पष्ट एव । एवमेवकारोऽपि **वासिष्ठे** योज्यः । तस्मात्तदाधिक्ये न दोषः ।

एतेन **कौस्तुभो**क्तं तद्दूषणं निरस्तम् । द्वितीयदूषणमपि प्रागेव निरस्तप्रायम् । एवं च यथा सपत्नीपुत्रस्यागृहीतस्यापि पिण्डदानाद्यधिकारित्वात्पितृपत्न्य इत्यादिशास्त्राल्लोकव्यवहाराच्च पुत्रत्वं निर्विवादं तथा तत्र तत्सहपाठात् भ्रातृसुतस्याप्यगृहीतस्यैव पुत्रत्वं विधीयते इत्युचितम् । **मनु**ग्रन्थेऽपि तस्य तथाबोधकं वाक्यान्तरमस्ति । एवं च तदतिदिष्टस्य वित्तालाभेऽपि तत्राधिकारो यथा तथा तदतिदेशविषयाणां पत्न्यादीनामन्याभावे तस्य निर्धनत्वे धनलाभं विनाऽपि श्राद्धाधिकारः ।

एवं च **विष्णु**वाक्ये पुत्रशब्देन सर्वविधपुत्रो गृह्यते । तत्र अतिदेशवाक्यानि तु—" अपुत्रा पुत्रवत् पत्नी " **इत्युशना ।**

" यथैवात्मा तथा पुत्रः पुत्रेण दुहिता समा । " इति **मनुः** । (अ. ९ । १३० ।

" बह्वीनामेकपत्नीनामिति, " (श्लो. १८३)

"पितेव पालयेत्पुत्रान् ज्येष्ठो भ्रातॄन्यवीयसः । पुत्रवच्चापि वर्तेरन् ज्येष्ठे भ्रातरि धर्मतः॥" (श्लो. १०८) " यो ज्येष्ठो ज्येष्ठवृत्तिः स्यान्मातेव स पितेव सः । " (११०) इति च । इत्यादीनि बोध्यानि ।

तदयं **निर्गलितोऽर्थः ।** तत्रादौ दायग्रहणक्रमः । औरसपुत्रस्तत्पुत्रस्तत्पुत्रः । तत **एका**दश पुत्रिकापुत्रादयः पूर्वपूर्वाभावे क्रमेण । एवं तत्पुत्रादयोऽपि । अत एव—

मनुशंखलिखिताः, (मनु. ९ । १८४)

" श्रेयसः श्रेयसोऽलाभे पापीयान् रिक्थमर्हति । बहवश्चेत्तु सदृशाः सर्वे रिक्थस्य भागिनः ॥ " इति ।

तदभावे पत्नी । ततो दुहिता । ततो दौहित्रः । ततो दौहित्री । ततः पिता । ततो माता ततो भ्राता । ततो भगिनी । ततस्तयोः क्रमेण सुतः सुता च । ततो गोत्रजादय इति ।

पिण्डदानादौ त्वेवं क्रमः । औरसपुत्रः । तदभावे पुत्रिकापुत्रादय एकादशक्रमेण । ततः पौत्रः । प्रपौत्रश्च तथा । ततः पत्न्यादिसत्त्वेऽपि भ्रातृसुतः । ततो भ्राता । ततः पिता । ततो दौहित्रः । ततः पत्नी । ततो दुहिता । ततो गोत्रजादय इति ।

इदमपि पुंविषये । स्त्रीविषये तु अनूढायाः पिता । तदभावे भ्रात्रादिः । उढायास्तु मुख्यपुत्राभावे पुत्रिकापुत्रः । तदभावे सपत्नीपुत्रः । तदभावे क्षेत्रजाद्याः प्रपौत्रान्ताः । तदभावे पतिः । तदभावे दुहितृदौहित्रौ क्रमेण । तदभावे पत्युर्भ्राता । तदभावे तत्पुत्रः । तदभावे स्नुषा । तदभावे पितृभ्रातृतत्पुत्रादयः पूर्वोक्ता इति बोध्यम् ।

एतेन " पुत्रपौत्रप्रपौत्राभावे भार्या । तदभावे भ्राता । तदभावे तत्पुत्रः । भ्रातुर्भ्रातेति वचनात् " इति **मिश्राद्युक्त**मपास्तम् ।

एवं सति भ्रातृसुतेनोक्तफलसिद्धावपि पत्न्यादितः प्राक् मदीयपिण्डदानरिक्थग्रहणोभयाधिकारी कश्चित् भवेदिति कामनायां तदर्थं जीवतो वाक्यादिकरणार्थं नामसङ्कीर्तनार्थं च दत्तकस्वीकारः । अपुत्रेणैवेत्यत्र तु पुत्रपदं मुख्यौरसपरम् तत्त्यागे मानाभावात् । प्रतिनिधिपदसमभिव्याहारेण तथैव लाभात् । आतिदेशिकपुत्रत्वस्य पत्न्यामपि सत्त्वेन तदापि तद्ग्रहणानापत्तेश्च । तच्च पौत्रादेरुपलक्षणमित्यन्यत् । तत्रापुत्रत्वं मृतपुत्रत्वमजातपुत्रत्वं वा ।

" वन्ध्या वा मृतपुत्रा वा पुत्रार्थं समुपोष्य च " इति **शौनकोक्तेः ।**

एवेन तादृशपुत्रवतोऽनधिकारः सूचितः । अत एव 'नामसङ्कीर्तनाय चेति' **मन्वादिभिरुक्तम्** । तत्स्वरूपं तु मन्वादिभिरुक्तम्, (अ. ९ । १६८)

" माता पिता वा दद्यातां यमद्भिः पुत्रमापदि । सदृशं प्रीतिसंयुक्तं स ज्ञेयो दत्त्रिमः सुतः ॥" इति ।

अत्र वाशब्दः समुच्चये । 'वा स्यादिति' **कोशात्** । यद्वा तयोरन्यतरग्रहणानेकत्वार्थः सः । चं विनापि गामश्वमितिवत् पूर्वत्र समुच्चयो बोध्यः । अभ्यर्हितत्वात्पूर्वं तदुक्तिः । अद्भिरित्यनेन अन्यत्रोक्तविधिनोदकपूर्वमित्यर्थकेन अन्यथादत्तस्य अतत्त्वं सूचितम् । अत एव—

" अविधाय विधानं यः परिगृह्णाति पुत्रकम् । विवाहविधिभागं तं न कुर्याद्धनभाजनम् ॥ "

इति **वृद्धमनुः ।**

परिग्रहविधिं विना परिगृहीतस्य विवाहमात्रं कार्यं न धनदानं, किन्तु तत्र पत्न्यादय एव धनभाजः पिण्डदाश्च । विधिं विना तस्य पुत्रत्वानुत्पादात् ।

अत एव **वृद्धगौतमः**,

" स्वगोत्रेण कृता ये स्युर्दत्तक्रीतादयः सुताः । विधिना गोत्रतां यान्ति न सापिण्ड्यं विधीयते ॥ " इति ।

" सपिण्डता तु सर्वेषां गोत्रतः साप्तपौरुषी । "

इति **मनूक्तं** साप्तपौरुषं सापिण्ड्यं न विधीयते किन्तु प्रवराध्यायप्रसिद्धं त्रिपुरुषमित्यर्थः । इदं च द्व्यामुष्यायणदत्तकादिविषयमेव ।

वस्तुत इदं निर्मूलमेवेति स्पष्टं **सापिण्ड्यप्रदीपे ।** अत एव " मात्रा भर्त्रनुज्ञया प्रोषिते प्रेते वा भर्तरि पित्रा वोभाभ्यां वा प्रतिग्रहीतृसवर्णो विधिना सवर्णाय यस्मै दीयते स तस्य दत्तकः पुत्र " इति **विज्ञानेश्वरेण** व्याख्यातम् (मि. पृ. ८८ पं. २१–२३) । अत एव—

" वंध्या वा मृतपुत्रा वा पुत्रार्थं समुपोष्य च। "

इति **शौनकीये**ऽविशेषश्रुतिसङ्गतिः। "आपदि प्रतिग्रहीतुरपुत्रत्वे " **इत्यपरार्कः**। दुर्भिक्षादौ वा। " आपत्ग्रहणादनापदि न देयः। दातुरयं प्रतिषेधः " इति **विज्ञानेश्वरः** (मि. पृ. ८८ पं. २४-२५)।

अत एव **कात्यायनः**—

" आपत्काले तु कर्तव्यं दानं विक्रय एव वा। अन्यथा न प्रकर्तव्यमिति शास्त्रविनिश्चयः "॥ इति।

सादृश्यं न जातितः, किन्तु कुलानुरूपैर्गुणैः। एवं च क्षत्रियादिरपि ब्राह्मणस्य दत्तको युज्यते इति **मेधातिथिः**। जातित एव सादृश्यम्। अत एव ' सजातीयेष्वयं प्रोक्त ' इति **मूलं** सङ्गच्छते। क्रीतलक्षणभूत**मनु**वाक्ये तु तदुक्तमेव व्याख्यानम्। अत एव तत्र हि सदृशोऽसदृशोऽपि वेत्युक्तमित्यपरे। प्रीतिग्रहणं लोभभयादिप्रतिषेधार्थम्। तथा च तत् क्रियाविशेषणम्।

किं च। एकः पुत्रो न देयः।

तथा च **वसिष्ठः** (अ. १५ सू. १३५) "शुक्रशोणितसम्भवो हि पुरुषो मातापितृनिमित्तकः। तस्य प्रदानविक्रयपरित्यागेषु मातापितरौ प्रभवतः। न त्वेकं पुत्रं दद्यात्प्रतिगृह्णीयाद्वा। स हि सन्तानाय पूर्वेषां। न तु स्त्री पुत्रं दद्यात्प्रतिगृह्णीयाद्वाऽन्यत्रानुज्ञानाद्भर्तुरिति "।

एवं च पत्न्याः पतिसत्त्वे तदनुमत्यैव दातृत्वादि। मृते तु स्वातन्त्र्यम्।

न च रक्षेत्कन्यामिति पूर्वाध्याये स्त्रीणां विहिते कर्मणि स्वतन्त्राधिकारनिषेधकमुक्तमिति कथमेतदिति वाच्यम्। पूर्त्तादौ तासां स्वतन्त्राधिकारस्मरणात्। तस्य तद्रक्षणमात्रतात्पर्यकत्वात्। धनस्वामित्वप्रतिषेधकमपि न तत्। 'पत्नी दुहितर' इत्यादिना तासामपि रिक्थग्राहित्वस्मरणात्। तन्निषेधे सहाधिकारस्याप्यसम्भवात्। न च स्थावरे तस्या अनधिकारः,

" यद्विभक्ते धनं किञ्चिदाध्यादि विविधं स्मृतम्। तज्जाया स्थावरं मुक्त्वा लभते मृतभर्तृका॥
" वृत्तस्थाऽपि कृतेऽप्यंशे न स्त्री स्थावरमर्हति। "

इति **बृहस्पतेरिति** वाच्यम्। अस्य वचनस्य जायापदोपेतस्य पत्नीभिन्नासुरादिविवाहोढाविषयत्वेन निबन्धेषु व्यवस्थापनात्। दुहितृरहितपत्नीपरमिदम् " दुहितृमती तु स्थावरमपि लभते " इति **स्मृतिचन्द्रिकायाम्**। " दायादानुमतिं विना स्थावरविक्रयादिनिषेधपरमिति " **माधवः**।

यत्तु **कात्यायनः**—

" मृते भर्तरि भर्त्रंशं लभेत कुलपालिका। यावज्जीवं न हि स्वाम्यं दानाधमनविक्रये॥"

इति, तत् बन्दिचारणाद्यर्थदानादिनिरततप्रतिषेधपरम्। अदृष्टार्थदानतदुपयोग्याधमनादि तु भवत्येव।

" जङ्गमं स्थावरं सर्वं हेमरूप्यं रसाम्बरम्। आदाय दापयेच्छ्राद्धं मासषाण्मासिकाब्दिकम्॥
"पितृव्यगुरुदौहित्रान् भर्तुः स्वस्रीयमातुलान्। पूजयेत्कव्यपूर्ताभ्यां वृद्धांश्चाप्यतिथीन् स्त्रियः॥"

इति **प्रजापतेः**।

"सौदायिके सदा स्त्रीणां स्वातन्त्र्यं परिकीर्तितम्। विक्रये चैव दाने च यथेष्टं स्थावरेष्वपि "

इति **नारदोक्तेश्च**। एवं च पत्नीति मूलवाक्यं पत्नीपदोक्त्या स्थावरसहितसकलरिक्थग्रहणपरमिति प्रागुक्तं युक्तमेव।

"क्रयक्रीता तु या नारी न सा पत्नी विधीयते। न सा दैवे न सा पित्र्ये दासीं तां कवयो विदुः ॥"

इति **स्मरणात्**। भर्तृदत्ते तु स्थावरे न स्वातन्त्र्यम्। "भर्त्रा प्रीतेन यद्दत्तमिति" **नारदोक्तेः**। (अ. १। ३८।) एतेन पुत्रप्रतिग्रहे विधवाया नाधिकार इत्यपास्तम्।

एवं तस्यापि तदनुमत्यैव तत्। अत्यन्तापदि तु तदनुमत्यलाभे स्वातन्त्र्यमपि। प्रागुक्तरीत्या तस्य प्राधान्यात्। तथा, अनेकपुत्रसद्भावे ज्येष्ठो न देयः। 'ज्येष्ठेन जातमात्रेणेति' तस्यैव पुत्रकार्यकरणे मुख्यत्वात्। स च भ्रातृसुतसम्भवेऽन्यो न ग्राह्यः। प्रागुक्तषाष्ठन्यायात्। तस्य प्रतिकूलत्वे तु सपिण्डादिक्रमेणान्योऽपि ग्राह्यः। तत्रापि द्विजे भागिनेयदौहित्रवर्ज्जम्। विरुद्धसंबन्धापत्त्या पुत्रत्वं बुद्ध्यनर्हम्। भ्रातृपितृव्यमातुलवर्जं च। शूद्रे तु भागिनेयदौहित्रावपि।

"ब्राह्मणानां सपिण्डेषु कर्तव्यः पुत्रसंग्रहः। तदभावेऽसपिण्डेषु अन्यत्र तु न कारयेत् ॥

"ब्राह्मणादित्रये नास्ति भागिनेयः सुतः क्वचित्। दौहित्रो भागिनेयश्च शूद्राणां वाऽपि दाप्यते ॥"

इति—

"नैकपुत्रेण कर्तव्यं पुत्रदानं कदाचन। बहुपुत्रेण कर्तव्यं पुत्रदानं प्रयत्नतः ॥"

इति च **शौनकः**। अत्र नैकपुत्रेणेत्येव सिद्धे बहुपुत्रेणेत्युक्त्या द्विपुत्रेणापि न कार्यमिति सूचितमिति कश्चित्। तन्न। तस्य सर्वथा निषेधोऽस्य तु तदावश्यकत्वमित्येतदर्थं तदुक्तेः। अत एव तत्र कदाचनेति अत्र प्रयत्नत इति चोक्तं स्वरसतः सङ्गच्छते। एवं च तस्य तद्विधिनिषेधोभयाविषयत्वेऽपि वचनान्तरादापदि दाने न दोष इति बोध्यम्। न च प्रतिकूलत्वादेस्तत्त्वं क्वापि न दृष्टमिति वाच्यम्। **ऋष्य**शृङ्गोक्तावानुकूल्याद्वा पुत्रस्येत्युक्तत्वात्।

"अपुत्रा योषितश्चैषां भर्तव्याः साधुवृत्तयः। निर्वास्या व्यभिचारिण्यः प्रतिकूलास्तथैव च ॥"

इति **योगीश्वरोक्तेः**। (अ. २। १४२)

"पितृद्विट् पतितः षण्ढो यश्च स्यादौपपातिकः। औरसा अपि नैतेंऽशं लभेरन् क्षेत्रजाः कुतः॥"

इति **नारदाच्च**। अ. १३। २१)

अत एव "एक एवौरस" इति "षष्ठं तु क्षेत्रजस्यांशम्" इति च **मनु**वाक्यं दत्तकादेरौरसप्रतिकूलत्वान्निर्गुणत्वाभिप्रायेण व्याख्यातं **विज्ञानेश्वरेण** (मि. पृ. ८९ पं ३१)।

किं च। जीवतो वाक्यादिकरणरूपफलासम्भवस्ततः। एवं चैकस्मिन्नौरसेऽन्यस्मिन्वाऽताद्दृशे सति अन्येऽपि ग्राह्या यावतोक्तफलसंपत्तिर्भवति। अत एव विश्वामित्रादीनां पुत्रवतामपि देवरातादिपुत्रपरिग्रहः श्रौतादिः सङ्गच्छते। किं च। तस्य स्वयंदत्तत्वेनादत्तकत्वम्। अत एव परेच्छया तदङ्गीकारो न तु स्वस्य तदर्थं प्रवृत्तिः। एवं च तत्र तथैव। अत एव **बह्वृचब्राह्मणे**—

"यथैवाङ्गिरसः समुपेयां तव पुत्रताम्।" इत्यादिना—

"अधीयत देवरातो रिक्थयोरुभयोर्ऋषिः" इत्यन्तेनोक्तम्।

एतेन "पुत्रवतोऽपि पुत्रानुज्ञया पुत्रान्तरपरिग्रहः।

"यन्नः पिता संजानीते तस्मिंस्तिष्ठामहे वयम्। पुरस्तात्सर्वे कुर्महे त्वामन्वञ्चो वयं स्मसि"॥

इति **श्रौत**लिङ्गात्" इत्यपास्तम्।

उक्तयुक्तेः। तस्य ज्येष्ठीकरणे लिङ्गत्वाच्च। अत एव—

“ वत्सावते त्वपुत्राय वसुदेवः प्रतापवान् । अद्भिर्ददौ सुतं वीरं शौरिः कौशिकमौरसम् ॥

“ कण्डूषाय त्वपुत्राय विष्वक्सेनो ददौ सुताम् ” । इति **हरिवंशे** ।

रामायणेऽयोध्याकाण्डे सीतां प्रति श्रीरामानुशासने षड्विंशे च—

“ औरसानपि पुत्रान् हि त्यजन्त्यहितकारिणः । समर्थान्संप्रगृह्णन्ति परानपि नराधिपाः ” ॥ इति ।

तत्रैव कैकेयीवाक्यं दशरथं प्रति—

“ तवैव वंशे सगरो ज्येष्ठपुत्रमुपारुधत् । असमञ्ज इति ख्यातं तथाऽयं गन्तुमर्हति ” ॥ इति ।

तत्रैव सप्तोत्तरशततमे भरतं प्रति श्रीरामवाक्यम्,

“ एष्टव्या बहवः पुत्रा गुणवन्तो बहुश्रुताः । तेषां वै समवेतानामपि कश्चित् गयां व्रजेत् ” ॥ इति ।

“ एष्टव्या बहवः पुत्रा यद्येकोऽपि गयां व्रजेत् । यजेत वाऽश्वमेधेन नीलं वा वृषमुत्सृजेत् ” ॥ **इत्यत्रिः** ।

एवं च विधेयविशेषणमप्येकत्वं पुत्रप्रतिनिधिरित्यत्राविवक्षितम् । श्रेयांसं न प्रबोधयेदित्यादौ तन्मर्यादाया उल्लंघितत्वाच्च । एतेन “पुरोहितं वृणीतेऽध्वर्युं वृणीत ” इत्यादाविव पुत्रप्रतिग्रहविधावपि प्रतिगृहीतस्य पुत्रकार्ये उपादेयतया तद्गतपुंस्त्वेकत्वयोर्विवक्षा तेनैक एव पुमानेव च ग्राह्यः ” इति मतमपास्तम् ।

“ श्रेयसः श्रेयसोऽलाभे पापीयान् रिक्थमर्हति । बहवश्चेत्तु सदृशाः सर्वे रिक्थस्य भागिनः ॥ ”

इति **मनुः** । (अ. ९ । १८४)

औरसादीनां सर्वेषां पुत्राणां प्रकृतत्वात् औरसादीनुपक्रम्य तेषां पूर्वः पूर्वः श्रेयान्स एव दायहरः स चान्यान्बिभृयादिति **विष्णु**वचनादौरसादीनां पुत्राणां पूर्वपूर्वाभावे परः परो रिक्थमर्हति, पूर्वसद्भावे तु परसंवर्द्धनं स एव कुर्यात्, तदप्यपवादेतरविषयम् ।

यदि तु समानरूपा बहवः पुत्रास्तदा सर्वे एव विभज्य धनं गृह्णीयुरिति तद्व्याख्यातारः । इदं च नौरसपरम् । “ एक एवौरसः पुत्रः ” “ उर्ध्वं पितुश्च मातुश्च ” इत्यादिनैव तद्विभागोक्तेः । किं तु गौणानेकपरम् । अनेन च दत्तकवत् कृत्रिमस्यापि सिद्धिरर्थभेदेन । न च— “ दत्तौरसेतरेषां तु पुत्रत्वेन परिग्रहः” । इति **शौनकेन** पुत्रान्तरस्य कलौ निषेधात् कथं कृत्रिमसिद्धिरिति वाच्यम् । दत्तपदेन तस्याप्युपलक्ष्यत्वात् ।

“ औरसः क्षेत्रजश्चैव दत्तः कृत्रिमकः सुतः । ” इति **कलिधर्मप्रस्तावे पराशर**स्मरणात् । न चैवं क्षेत्रजस्यापि तदापत्तिः । नियोगनिषेधेनैव तन्निषेधात् । तत्र क्षेत्रज इति तु औरसविशेषणम् । यदि तु तत्र क्षेत्रजवत् कृत्रिमक इति दत्तस्य विशेषणममुख्यत्वसूचनद्वारा प्रतिनिधित्वसूचकं तदा माऽस्तु सः, दत्तकांशे तु न विवाद इति दिक् ।

स चायं दत्तको द्विविधः । अद्व्यामुष्यायणो द्व्यामुष्यायणश्च । तत्राद्यो “माता पिता वेति” “गोत्ररिक्थे” इति च **मनू**क्तः । यः कृतोपनयनो दत्तः प्रतिग्रहीत्रा च तदुत्तरविवाहादिसंस्कारैः संस्कृतः स द्व्यामुष्यायणः । तत्त्वं च तच्छाखाद्वयगोत्रद्वयभागित्वमेव । एवं यः सोपाधिकदानेन दत्तः प्रतिग्रहीत्रा जातकर्मादिभिः संस्कृतः सोऽपि तथा । तत्र प्रतिग्रहकाले या विद्यमानैकाऽनेका वा सा मुख्यमाता । तदीय एवैकोऽनेके वा मातामहाः । एकासत्त्वे तत्प्रतिग्रहे ततोऽन्यापरिणये सा सापत्नमाता । न तु तदीयमातामहाः । एवं तदा कस्या अप्यभावे ततः परिणयेऽपि बोध्यम् ।

एवं क्षेत्रजोऽपि द्विविध इति प्रागुक्तम् । एवं च पूर्वोक्तं युक्तमेव । अत एवैकौरससत्त्वेऽपि क्रतौ पुनर्गमनम् । अन्यथा तदपि न स्यात् । अत एव—

" देवराद्वा सपिण्डाद्वा स्त्रिया सम्यङ्नियुक्तया । प्रजेप्सिताऽधिगन्तव्या संतानस्य परिक्षये ॥
" विधवायां नियुक्तस्तु घृताक्तो वाग्यतो निशि । एकमुत्पादयेत्पुत्रं न द्वितीयं कथंचन ॥
" द्वितीयमेके प्रजनं मन्यन्ते स्त्रीषु तद्विदः । अनिर्वृत्तं नियोगार्थं पश्यन्तो धर्मतस्तयोः ॥ "

इति क्षेत्रजप्रकरणे **मनुः** । (अ. ९।५९।६०।६१)

" अत्रेप्सितेत्युक्तिः कार्यक्षमपुत्रोत्पत्तौ पुनर्गमनार्था । अत एव " अर्थद्रव्यविरोधेऽर्थो द्रव्याभावे तदुत्पत्तेर्द्रव्याणामर्थशेषत्वात् " (जै. मी. ६।३।१९) इत्यधिकरणे यदा पुनरतितनुत्वाभियोजनस्याप्ययोग्या खदिरता भवति तदापि किं मुख्यत्वात्सैवोपादेया, न हि तयोपात्तयाऽपि कश्चिदर्थः कार्याक्षमत्वात्, अतस्तादृशे लब्धेऽपि तदनादरेण प्रतिनिधिरेव कदरः कार्यक्षम उपादेय इत्युक्तम् ।

अन्ये पुनराचार्यनियोगात्पुत्रोत्पादनविधिज्ञा अपुत्र एकपुत्र इति शिष्टप्रवादादनिष्पन्नं नियोगप्रयोजनं मन्यमानाः स्त्रीषु पुत्रोत्पादनं द्वितीयं धर्मतो मन्यन्ते " इति तद्व्याख्यातारः । तस्मात्तन्नैकत्वं यदि विवक्षितं स्यात्तर्हि तदसङ्गतिर्निषेधासङ्गतिश्च स्पष्टैवेति बोध्यम् । अत एव बहुपुत्रत्वविधिः ।

एतमुपपरमगामध्यासिषं तस्मान्मम त्वमेकोऽसीति ह कौषीतकिः पुत्रमुवाच रश्मींस्त्वं पर्यावर्तय बहवो वै ते भविष्यन्तीति छन्दोगाः । अस्य चायमर्थः कौषीतकिर्नाम मुनिः स्वयमादित्यमण्डलमेक एवोपासीन उद्गानं कृत्वा तत्फलत्वेन पुत्रमेकं प्रतिलभ्य तमुवाच " अहमेतमेकमेवादित्यमध्यासिषं ध्यानमकार्षं तस्माद्दोषान्मम त्वमेक एव पुत्रोऽसि एकपुत्रत्वं च न प्रशस्तम्, अतस्त्वं बहुपुत्रतायै रश्मीन्बहूनुपास्तिवेलायामावर्तय " इति । **महाभारतमपि** प्रागुक्तम् ।

" इमां त्वमिन्द्र मीढ्वः सुपुत्रां सुभगां कृणु "

" दशास्यां पुत्रानाधेही " त्यादि**मन्त्राश्चै**वं सति बहुपुत्रत्वविधिमुपोद्बलयन्ति । एवं च—

" ऋतुकालाभिगामी स्यात् यावत्पुत्रोऽभिजायते । "

इति **कौर्मे** तादृशपुत्रपरतया योज्यमिति न विरोधः । अत एव—

" यादृशं फलमाप्नोति कुप्लवैः सन्तरन् जलम् । तादृशं फलमाप्नोति कुपुत्रैः सन्तरंस्तमः ॥"

इति **मनुः** । (अ. ९ । १६१)

" ज्येष्ठेन जातमात्रेणेति " **मनो**रनुशिष्टत्वरूपज्येष्ठत्ववत्तया जातमात्रेणेत्यर्थादपि न तद्विरोधः । एवमन्यत्रापि यथासम्भवं बोध्यम् ।

मेधातिथिना तु " उत्पन्नमात्रेण ज्येष्ठेन संस्काररहितेनापि मनुष्यः पुत्रवान्भवति । ततश्च नापुत्रस्य लोकोऽस्तीत्यलोकता परिहृता । तथा ' प्रजया पितृभ्यः ' इति **श्रुतेः** ' पुत्रेण जातमात्रेण पितॄणामनृणश्च ' इत्युक्तम् । यस्मिन्नृणमिति तु साधारणम् । अत एव तत्र " यस्मिन् जाते ऋणं शोधयति येन जातेनामृतत्वं च प्राप्नोति । तथा च **श्रुतिः** " ऋणमस्मिन्निति " । स एव पितुर्धर्मेण हेतुना जातः पुत्रो भवति । तेनैकेनैव ऋणापनयमाद्युपकारस्य कृतत्वात् । इतरांस्तु ऐच्छिकान्मुनयो जानन्ति " इति **तेनो**क्तम् । सुब्रह्मण्याह्वाने तु न प्रतिनिधिना किन्तु मुख्येनैव । " न स्वामित्यस्य भार्यायाः पुत्रस्य देशस्य कालस्याग्नेर्देवतायाः कर्मणः शब्दस्य च प्रतिनिधिरिति " **सत्याषाढोक्तेः** ।

"जन्मज्येष्ठेन चाह्वानं सुब्रह्मण्यास्वपि स्मृतम्। यमयोश्चैव गर्भेषु जन्मतो ज्येष्ठता स्मृता॥"

इत्यौरसप्रकरणे **मनूक्तेश्च** (अ. ९।१२६)। **मेधातिथिना**ऽपि तथैव व्याख्यातम्। **सत्याषाढोक्तेः** तन्तवे ज्योतिष्मतीं तामाशिष इत्याशीराशासनमपि तमादाय न। अत एव **श्रुतिः**, "यस्य पुत्रो जातः स्यात्तन्तवे ज्योतिष्मतीमिति ब्रूयादिति" दिक्।

तस्मात्पुत्रातिदेशा अपि ये सोदरभ्रातृसुतसपत्नीपुत्रादयस्तेऽपि वित्तलाभाभावे पितृव्यस्य सापत्नमातुश्च श्राद्धादिपुत्रकार्यकरणार्हाः। एवं कनीयानप्यग्रजस्याकिञ्चनस्यापि।

"अपुत्रस्य पितृव्यस्य श्राद्धादि पितृवद्भवेत्।" इति **स्मृतेः**। "ज्येष्ठो भ्राता पितुः समः" इति च। "पितृपत्न्यः सर्वा मातरः" इति **सुमन्तूक्तेश्च**। मनुस्तूभयत्रोक्त एव।

एवं पत्नीस्नुषाशिष्यादीनामपि बोध्यम्। "अपुत्रा पुत्रवत्पत्नी" **त्यौशनसात्**। 'भार्यापिण्डमि' त्यादिप्रागुक्तेश्च। न चापुत्रपितृव्यादेः पत्न्यां भ्रातृसुते च सति कथं कार्यमिति वाच्यम्। उभयत्र पुत्रत्वातिदेशसाम्येऽपि समन्त्रकक्रियाकृतभेदस्य पूर्वम् उक्तत्वात्तेन तत्पुत्रकर्तृकक्रियाप्राप्तावपि 'अतिदिष्टादुपदिष्टं बलीय' इति न्यायेन भार्यापिण्डमित्यस्य साक्षाद्विधायकत्वेनान्येषां दुर्बलत्वेन तत्र पत्न्यैव कार्या क्रियेति सिद्धान्तात्। न चामन्त्रकत्वापत्तिः। न्यायसिद्धेऽर्थे प्रागुक्तरीत्या संकल्प्यादौ समन्त्रकत्वेनाग्रे तथात्वापत्ताविष्टापत्तेः। अत एव 'भ्रातुर्भ्रातेति' प्रागुक्त**ब्राह्म**सङ्गतिरिति केचित्।

परे तु 'भार्यापिण्डमिति' तदभावविषयमित्यादि प्रागुक्तमेवेत्याहुः। स्त्रियास्तु पत्या। भार्यापिण्डमिति साक्षाद्विधेः। तदभावे सपत्नीपुत्रेण। 'सर्वासामिति वचनादिति' **मिश्रा**दयः। अत्रापि तत्त्वं परे त्वित्युक्तमेवेति बोध्यम्।

न च—

"यज्ञेषु मन्त्रवत्कर्म पत्नी कुर्याद्यथा नृप। तथौर्ध्वदेहिकं कर्म कुर्यात्सा धर्मसंस्कृता॥"

इति **स्कान्दा**त्तस्या अपि समन्त्रकक्रियैवेति वाच्यम्। निबन्धाधृतत्वेन तत्रानाश्वासात्। तत्सत्त्वे वा प्रागुक्त**कात्यायनै**कवाक्यतयाऽग्निदानमात्रपरत्वात्।

एतेन "स्कान्दात्सर्वा समन्त्रकक्रियैव। भविष्यपुराणादिकं त्वासुरादिविवाहोढाविषयम्" इत्यपास्तम्।

स्त्रीशूद्रस्थलेऽन्यत्रेष्टापूर्तादावित्थं प्रसिद्धतरम्। उक्त**सुमन्तु**वाक्यात्सपत्नीपुत्रे सति भर्तुरन्येषां च नाधिकारः। तथा च दौहित्रादितस्तस्य सापिण्ड्यविशेषादेव बलवत्त्वम्।

एवं दौहित्रभ्रातृसुतसमवाये मृतस्य विभक्तत्वे दौहित्रस्य बलवत्त्वस्यांशहरणे सत्त्वेऽपि पिण्डादौ स एव बलवान्। अविभक्तत्वे तु भ्रातृसुतानामेवांशहरत्वादपि।

एवं भ्रातृतत्पुत्रसमवाये तस्य तत्त्वे भ्रातुर्बलवत्त्वात्स्वांशहरत्वेऽपि तत्र तथैव। पत्नीस्नुषादिविषये वाक्यान्युक्तान्येव।

किंच दंपत्योर्मिथः शरीरार्धत्वात्स्नुषादेः शरीरार्धोपचाराच्छिष्याचार्ययोस्तु पितापुत्रवदुपचारात्। न हि दक्षिणः पाणिरितरस्य पाणेरुपचाराद्विनाऽभ्यङ्गादि करोति। तस्माद्धनलाभं विनाऽप्येतेषां श्राद्धाधिकारः। अर्थहरत्वे तु सुतरां सर्वेषाम्। यस्त्वर्थमादायापि तन्न करोति स शास्त्रातिक्रमकारित्वाद्दण्ड्यो निंद्यः परलोकच्युतश्च। कुर्वतां तु सर्वमिष्टमेव।

ये तु धनलाभेच्छां विनैव कारुण्यात्स्नेहाद्वा कुर्वन्ति तेषामतिपुण्यम् । अकरणे च न प्रत्यवायः । शास्त्रनियमाविषयत्वात् । तस्मात्पुत्राभावे एव सर्वेषां यथाक्रममधिकारः ।

तथा च **व्याघ्रपात्**—

"पितुः पुत्रेण कर्तव्याः पिण्डदानोदकक्रियाः । पुत्राभावे तु पत्नी स्यादिति ।"

स्मृत्यन्तरमपि—

"औरसे सति नान्यस्य श्राद्धादेरधिकारिता । तदभावे तु शिष्यादेः शास्त्राणामेष निश्चयः ॥" इति ।

यदि पुत्रे सत्यप्यन्येषामधिकारस्तदा पत्न्या किं पापमकारि, येनासौ न करोतीति शङ्का स्यात् । इयमेव हिंसा तेषां **ऋष्यशृङ्गेणो**क्ता । तस्मात्तदभावे एव पत्न्यादीनामधिकार इति सिद्धम् ।

तत्र पत्न्यंशेऽपवादः क्वचित्—

"अपुत्रा स्त्री यथा पुत्रः पुत्रवत्यपि भर्तरि । श्राद्धं पिण्डोदकं कुर्याज्जलमर्कं तु पुत्रिणी ॥" इति केचित् ।

वस्तुत इदं निर्मूलमिति बोध्यम् । अत्र सर्वत्र वाक्यान्यन्यान्यपि सन्ति । तत्र तावत्—

बृहस्पतिः—

"प्रमीतस्य पितुः पुत्रैः श्राद्धं देयं प्रयत्नतः । ज्ञातिबन्धुसुहृच्छिष्यैर्ऋत्विग्भृत्यपुरोहितैः" ॥ इति ।

प्रचेताः—

"स्वामिभृत्यकलत्रेषु मातापित्रोर्गुरौ तथा । ऋत्विङ्मित्रे तथा शिष्ये श्राद्धं कार्यं प्रयत्नतः"॥ इति ।

वृद्धशातातपः—

"मातुलो भागिनेयस्य स्वस्रीयो मातुलस्य च । शिष्यश्चैव गुरोः सख्युः सखा मातामहस्य च ॥
"एतेषां चैव भार्याभ्यः स्वसुर्मातुः पितुस्तथा । श्राद्धदानं तु कर्तव्यमिति वेदविदां स्थितिः ॥"
"प्रीत्या श्राद्धं तु कर्तव्यं सर्वेषां वर्णिलिङ्गिनाम् । एवं कुर्वन्नरः सम्यक् महतीं श्रियमाप्नुयात् ॥ "इति ।
"पितुः पुत्रेण कर्तव्यं न कुर्वीत पिता सुते । अतिस्नेहान्न कर्तव्यं सपिण्डीकरणं स्त्रियः ॥"
"भ्राता वा भ्रातृपुत्रो वा बन्धुर्वा शिष्य एव वा । सपिण्डीकरणं कुर्यात्पुत्रहीने नरे खग ॥"

इति **गारुडं** च ।

"पुत्रः पौत्रश्च तत्पुत्रः पुत्रिकापुत्र एव च । पत्नी भ्राता च तज्जश्च पिता माता स्नुषा तथा ॥"
"भगिनी भागिनेयश्च सपिण्डः सोदकस्तथा । असंनिधाने पूर्वेषामपरे पिण्डदाः स्मृताः ॥"

इत्यन्यत्र चेत्यलमधिकविस्तृतेन । प्रकृतमनुसरामः ॥ १३५ ॥ १३६ ॥

याज्ञवल्कीये १३७ श्लोकः ।

व्यवहितसंगतिमव्यवहितेनासंभवादाह । **पुत्रा इति । चे**न प्रपौत्रसमुच्चयः । यद्यपि पौत्रप्रपौत्रयोस्तत्त्वं पूर्वं नोक्तं तथापि तत्रैव क्रमो बोध्य इति अत्रैव प्रसङ्गोक्त्या सूचितम् ।

तथा च **मनुविष्णू**—(मनु. अ. ९ । १३८)

"पुन्नाम्नो नरकाद्यस्मात्पितरं त्रायते सुतः । तस्मात्पुत्र इति प्रोक्तः स्वयमेव स्वयंभुवा" ॥ इति ।

हारीतोऽपि,

"पुन्नामा निरयः प्रोक्तश्छिन्नतन्तुश्च नैरयः । तत्रैव त्रायते यस्मात्तस्मात्पुत्र इति स्मृतः" ॥ इति ।

शङ्खादिरपि,

" पितॄणामनृणो जायेत् दृष्ट्वा पुत्रमुखं पिता । स्वर्गी स तेन जातेन तस्मिन्संन्यस्यते ऋणम् "॥ इति। **मनुशङ्खलिखितवसिष्ठहारीता** अपि (मनु. अ. ९ । १३७)
" पुत्रेण लोकान् जयति पौत्रेणानन्त्यमश्नुते । अथ पौत्रस्य पुत्रेण ब्रध्नस्याप्नोति विष्टपम् "॥ इति।
" लोकानन्त्यं दिवः प्राप्तिः पुत्रपौत्रप्रपौत्रकैः । " इति मूलं च । (**याज्ञ.** अ. १ । ७८)

अन्यान्यपि वचांसि प्रागुक्तानि । यद्यपि पौत्रांशे साक्षात्तत्त्वसाधकं **मूलं मानवं** च प्रागप्युक्तमेव तथापि प्रपौत्रांशे उक्तवचांस्येव साधकानि नान्यानि । उपकारकत्वा[1]विशेषादपि तस्य तत्त्वमिति बोध्यम् । क्रमेणेत्युभयत्र बोध्यम् ।

'वानप्रस्थेति' द्वन्द्वोत्तरपदको द्वन्द्वः। उत्तरार्धानुरोधेनैवमुक्तम् । तत्र तथोक्तिफलं तु व्याख्याने एवाग्रे स्फुटम् । 'क्रमेणे'त्यस्य श्रुतक्रमेणेति नार्थः। तथा सति तदुक्तिं विनाऽपि शत्रुमित्यादिवल्लौकिकस्थानाख्यप्रमाणेनैव तस्य सिद्धत्वात् । अत आह । **प्रतिलोमेति** । यद्यपि वानप्रस्थस्याचार्यः सम्भवति 'दीक्षितो गुरुणाऽऽज्ञातो दिशमुपनिष्क्रम्य' इति **वृद्धहारीत**लिङ्गात् ।
"तत्रैवं विधिवद्राजा प्रत्यगृह्णात्कुरूद्वह । स दीक्षां तत्र संप्राप्य राजा कौरवनन्दनः ॥ "
"शतरूपाश्रमे तस्मिन्निवासमकरोत्तदा । तस्मै सर्वविधिं राज्ञे राजा प्राह महामतिः ॥ "
इति **धृतराष्ट्रस्य** तत्त्वे **भारताच्च** । एवं च तत्र दीक्षयिता यः स तदाचार्यः । यतेरापि महावाक्योपदेष्टा सः । "संन्यस्याचार्यमुपतिष्ठेत ब्रह्मजिज्ञासायामिति " **शङ्खात्** । एवं चाचार्यादिचतुर्णां द्वन्द्वे क्रमेणेत्यस्याचार्यक्रमेणेत्यर्थसम्भवः, आदावाचार्यादिस्ततः शिष्यस्ततो धर्मभ्राता तत एकतीर्थीति । अत एव शिष्यसब्रह्मेत्येकवाक्यता । 'वानप्रस्थधनमाचार्यो गृह्णीयाच्छिष्यो वेति' **विष्णु**सङ्गतिश्च, तथापि वानप्रस्थस्य ब्रह्मचारिणश्च शिष्याभावात्तथा व्याख्यानस्यात्रासम्भवः। **वैष्णवे** तु वानप्रस्थेति तयोरप्युपलक्षणम् । चार्थवाशब्देन द्वयोर्ग्रहणम् । क्रमोऽयमेवेति गूढाशयः । एतेन तथा व्याख्या[2]नं शङ्काद्यदर्शनमूलकमित्युपेक्ष्यामिति **प्राच्ची**यमपास्तम् । अत एव तदुक्तिसङ्गतिरपीति दिक् ।

विशेषमाह । **ब्रह्मेति** । इदमेव विशदयति । **उपकुर्वाणस्येति** । स्वरीत्या आह । **मात्रादय एवेति** । अन्यथा तस्य निर्विषयतापत्तेः अत एवास्योभयापवादत्वम् । अन्यथा ब्रह्मचार्यंशे प्रथमापवादत्वासम्भवः स्पष्ट एवेति भावः । **तदपवादत्वेनेति** । मात्रादिग्रहणापवादत्वेनेत्यर्थः । अन्यथाऽस्य निर्विषयतापत्तेः । वैपरीत्यं तु न । प्रत्यासत्तितारतम्यात् ।

शिष्ये स[3]त्त्वं न विद्यमानत्वं, विपरीतस्य ग्रहणस्यैवासंभवात् इत्यत आह । **सच्छिष्यः पुनरिति** । स त्वित्यर्थः । तत एव योग्यतयाऽऽह । **अध्यात्मेति** । शिष्ये सम्यक्त्वमुपलक्षणतयाऽन्यत्रापि बोध्यम् । अतः अन्यावपि सुवृत्तावेव धनभाजौ । अत एव मूलकृता उभयत्रापि तत्सम्बन्धद्योतनार्थं 'सच्छिष्येति' मध्ये पठितम् इत्याशयेनाह । **दुर्वृत्तस्येति** । **आदिना**ऽग्निमपरिग्रहः । **अपिना** तस्यैव समुच्चयः ।

यद्वा शिष्यसत्त्वं नादुर्वृत्तत्वमात्रं, तथा सति आचार्यादेरपि दुर्वृत्तस्य भागानर्हत्वस्याविशिष्टत्वेन तस्यैव तत्त्वकथनासङ्गतेः । किं तु योग्यतयाऽध्यात्मश्रवणादिसमर्थत्वमित्याह । **सच्छिष्यः पुनरित्यादिना भागानर्हत्वादित्यन्तेन ।**

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१ फ-उपकारकत्वात्, अविशेषादपि । २ ख-निंदां च फ-क-निंद्यं च । ३ ख-सत्वेन ।

धर्मभ्रात्रेकतीर्थीत्येकम् । अन्यथा यथासंख्यानापत्तेरित्याह । **धर्मेति** । तत्राद्यार्थमाह । **प्रतिपन्न इति** । भ्रातृत्वेनाङ्गीकृत इत्यर्थः । द्वितीयार्थमाह । **एकाश्रमीति** । वानप्रस्थ एव स्वाश्रमनिकट-वासीत्यर्थः ।

" तीर्थं शास्त्राध्वरक्षेत्रोपायोपाध्यायमन्त्रिषु । जलावतारे योनौ चेति " **विश्वा**द्युक्तेः ।

नन्वेवं धर्मभ्रातेत्येवालं, कृतमग्रिमेणेति चेन्न । आचार्यादीनामभावे तेषां सर्वेषां धनं को गृह्णी-यादित्याशङ्कानिरासार्थं तदुपादानात् । तथा च तत् पृथक् निमित्तं, न तु तेन समस्तामिति धर्मभ्रात्र-न्तेन द्वन्द्वसमासं कृत्वा पुनर्द्वन्द्व इति तत्सर्वान्वयीत्याशयेनाह । **एतेषामिति** ।

मूलायुक्तत्वं शङ्कते । **नन्वनंशा इति** । भागशून्या इत्यर्थः । **आश्र[illegible]ति** । गृहस्था-न्येत्यर्थः । ' प्रतिग्रहादीति ' **आदिना** याजनादि । **अनिचय इति** । असंग्रह इत्यर्थः ।

पूर्वपाक्षिणा तृतीये विशिष्य असंभवात्तदसम्भवो नोक्त इत्याशयेन तावत्तत्राह । **वानप्रस्थ-स्येति** । **अह्नः** तन्मात्रभोजनपर्याप्तस्य । एवं सर्वत्र । **षण्णां** मासानाम् । **तथा** तद्वत् । **निचयं** संग्रहम् । यतेरपीत्यस्याग्रेऽन्वयः। एवं श्रौतवचनमुक्त्वा स्मार्त्तवचनमाह । **तथेति** । **योगेति** । योगस्य सामग्रीविशेषानित्यर्थः । तत्प्रतिपादकग्रन्थादीनिति यावत् । ' **आदिना** ' पादुकाकमण्डल्वादि ।

" कौपीनाच्छादनार्थं हि वासो वै बिभृयाच्च सः । "इति पूर्वार्धपाठे क्वचित्के एकमेव वचनम् । **यात्रा** संरक्षणम् ॥ १३७ ॥

याज्ञवल्कीये १३८ श्लोकः ।

प्राग्वत् पूर्वतो विशेषेणाह **इदानीमिति** । **उक्तस्य** तन्मात्रस्य । अत एवानयोः पौर्वा-पर्ये । **आहेति** । द्वितीयपादरहितेनेत्यर्थः । संसृष्टिशब्दं निर्वक्तुं संसृष्टशब्दार्थमाह । **विभक्तमिति** । **पुनः** विभागोत्तरम् । कर्मणि तत्र क्तः । **मिश्रीकृतमिति** । 'संसृष्टं धनमुभयं समाकृतमिति ' **श्रुतेः** । यदेकं सदुभौ याति तदुभयम् । विभक्तमिति यावत् । तत्समाकृतं साधारणीकृतं संसृष्टमिति तदर्थः । एवं च प्रत्यासत्त्या ययोर्विभागस्तयोरेव मिश्रणे तत्त्वमिति नान्यविभागेऽन्येन मिश्रणे तत्त्व-मिति भावः ।

प्रसङ्गात् विशेषमाह । **संसृष्टत्वं चेति** । तद्धनसंसर्गे तेषामपि संसर्गः सम्पन्न एवेति भावः । सहयोगे तृतीया । यो विभक्तः सन् पुनः पश्चादित्याद्यर्थः । **एकत्र** गृहे । तत्र हेतुमाह । **प्रीत्येति** । **तत्संसृष्ट इति** । तेन संसृष्ट इत्यर्थः ।

अयं भावः । येषामेव हि पितृभ्रातृपितृव्याणां पितृपितामहार्जितद्रव्येणाविभक्तत्वमुत्पत्तितः सम्भवति त एव विभक्ताः सन्तो मिथः प्रीत्या यदि पूर्वविभागनाशेन " यत्तव धनं तन्ममापि यन्मम धनं तत्तवापि " इत्येवम् एकत्र गृहे एकगृहिरूपतया संस्थितास्ते एव तथोच्यन्ते, न पुनरन्येऽप्येवंरूपाणां तथाकारिणामपि संसर्गित्वम् । नापि विभक्तानां तथा तेषाम् ।

एवं च तत्सम्बन्धित्वमात्रादिनिरासेन पूर्ववत्साधारणोपभोग्यतापादनमेवैकत्र स्थितिः । तच्चो-क्तानुमतिरूपमेव । सा च क्वचिद्वाचनिकी, क्वचिदनन्यथासिद्धव्यवहारगम्या ।

"अनुक्त्वाऽपि वचः किञ्चित्कृतं भवति कर्मणा । " इति **विष्णुपुराणात्** ।

एवं च[1] त्रयनियम एव । **मानवम**प्युक्तरीत्या त्रितयपरमेव । अन्यथा भ्रातृमात्रविषयतैव च तस्य स्यात् इति ।

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१ ख—एवं चायं नियम एव ।

" विभक्ता भ्रातरो ये च संप्रीत्यैकत्र संस्थिताः । पुनर्विभागकरणे ज्यैष्ठ्यं तत्र न विद्यते ॥

" यदा कश्चित् प्रमीयेत प्रव्रजेद्वा कथञ्चन । न लुप्यते तस्य भागः सोदरस्य विधीयते ॥

" या तस्य भगिनी सा तु ततोंऽशं लब्धुमर्हति । अनपत्यस्य धर्मोऽयमभार्यापितृकस्य च ॥"

इति **बृहस्पतेरा**शयस्तूक्त एव ।

" एतेन पित्रादिगणनं प्रपञ्चार्थं, नान्यपरिसंख्यार्थं, दोषत्रयापत्तेः । सामान्यतो **मनूक्तेर्बृहस्पतेर**नुपपत्तेश्चेति " **भ्रान्तोक्त**मपास्तमिति ।

एवं पदार्थमुक्त्या मूलाद्यपादं ससाधारणोत्तरार्धं व्याचष्टे । **तस्य संसृष्टिन इति ।** तत्र **च**स्त्वर्थे, **मृ**तस्य तु । अंशमित्यस्य व्याख्या **भागमिति** ।

वचनान्तरविरोधपरिहाराय तत्संभवं प्रतिपादयन् तदर्थेन वाक्यार्थं पूरयति । **विभागेति ।** समस्तो व्यस्तो वा पाठः । सति सप्तमी । जातस्येत्यस्यार्थमाह । **उत्पन्नस्येति ।** शेषे षष्ठी । चोऽत्र एवार्थे । उत्पन्नाय पुत्रायैव नान्यस्मै । तत्र **वा**शब्द एवार्थे । दद्यादेव न स्वयं गृह्णीयात् । द्वितीयोऽपि **वा**शब्द एवार्थे व्युत्क्रमे चेत्याह । **संसृष्टचेवेति ।** अपहरेदित्यस्य व्याख्या **गृह्णीयादिति ।** जातस्येत्याद्युक्त्या नेदमपि प्राग्वदुभयापवादभूतं, किं तु पत्नीत्यादिमात्रापवादभूतम्, अन्यथा तदसंगतिः स्पष्टैवेत्याशयेनाह । **न पत्न्यादीति ।** अत्र मूले एकत्वमविवक्षितम् । अतस्तदनेकत्वे विभज्य ग्रहणं, तत्पत्न्याः पोषणं चेति भावः । अत एव **तु**स्तद्वैलक्षण्ये ।

एतेन **प्राचां** व्याख्यानाभिप्रायो निरस्तः । अयं भावः । यदा संसृष्टिनस्त्रिप्रभृतयः, तदा तेष्वेकस्मिन्भ्रातरि स्वभार्यायां गर्भमाधाय दिवं गतेऽवशिष्टानां जीवतामनेकत्वादग्रे ऐक्यासंभवाच्च विभागः प्राप्तः । एकत्वे ऐक्ये च विभागाभावात् । तत्र तत्र विभागकालेऽस्पष्टगर्भत्वेन गर्भाज्ञानेन विभागनिष्पत्तौ कालान्तरे पुत्रे उत्पन्ने तस्मै तत्पित्र्यंशो देयस्तदभावे संसृष्टिव्यक्तिपर्यालोचनेनांशकल्पनया संसृष्टिन एव ।

१३८ श्लोकस्य (उत्तरार्धः) ।

संसृष्टीत्यस्येति । पूर्वपादोक्तस्य द्वितीयपादेनेत्यर्थः । उत्तरार्धं तु साधारणमस्त्येव । अत एवाह । **संसृष्टिनस्त्विति ।** तथा सति संपन्नं वाक्यार्थमाह । **अतश्चेति ।** तदनुवृत्तेरित्यर्थः । संसृष्टिनो मृतस्यांशं धनमिति पाठः । **सोदरः** स एव । **अनु** पश्चात् । अनेन विभागकालेऽस्पष्टगर्भायां विभागोत्तरमिति सूचितम् । **जातस्य** सुतस्य । **पूर्ववदेवेति ।** संसृष्टचेव गृह्णीयान्न पत्न्यादीत्येवमित्यर्थः । एवं सति अस्य तदपवादत्वमुक्तं नाप्राप्तिं विना न संभवतीति तदर्थं विशेषविषयतया विशदयति । **एवं चेति ।** उक्तसंबन्धेनेत्यर्थः । **सोदरेति ।** उभयसंसर्गे इत्यर्थः ।

अत एव **यमः**—

" अविभक्तं स्थावरं यत्सर्वेषामेव तद्भवेत् । विभक्तं स्थावरं ग्राह्यं नान्योदर्यैः कथंचन ॥ " इति ।

बृहन्मनुः—

" एकोदरे जीवति तु सापत्नो न लभेद्धनम् । स्थावरेऽप्येवमेव स्यात्तदभावे लभेत वै ॥ " इति ।

प्रजापतिरपि—

" अन्तर्धनं तु यद्द्रव्यं संसृष्टानां च तद्भवेत् । भूमिं गृहं च संसृष्टाः प्रगृह्णीयुर्यथांशतः ॥ " इति ।

'संसृष्टी गृह्णाति स्थावरवर्जं स्थावराणां सपिण्डसमतेति' **वृद्धहारीतस्तु** तथा योज्यः ॥ १३८॥

याज्ञवल्कीये १३९ श्लोकः ।

उत्तरसङ्गतिमव्यवहितेनाह । **इदानीमिति** । संसृष्टिनीति । भिन्नोदरेण सहेति भावः । **वीक्षायामिति** । विचारे समुत्पन्ने सतीत्यर्थः । जिज्ञासायां सत्यामिति यावत् । उभाभ्यां नियमाभ्याम् । उभयोरपि प्राप्तेरिति भावः । अत एवाह । **विभज्येति** । **कारणं** पूर्वनियमद्वयसूचितमेव ।

अन्योदर्य इत्यत्र वाक्यचतुष्टयं–विधिः, निषेधः, विधिः, निषेधश्चेति । प्रथमपादेन विधिमाह । **अन्योदर्य इति** । धनं हरेदित्यस्यापकर्षस्तदाह । **धनमिति** । पूर्वतः संसृष्टिन इत्यस्यानुवृत्त्या संसृष्टिनो धनमित्यर्थः ।

अथ द्वितीयपादेन तृतीयपादाद्यार्धसहितेन निषेधमाह । **न पुनरिति** । न त्वित्यर्थः । अतो यन्निष्पन्नं तदाह । **अनेनेति** । पूर्वार्धेनेत्यर्थः । **अन्वयेति** । संसृष्टिनो भिन्नोदरस्य धनहारित्वविधिरूपेणान्वयेन, असंसृष्टिनो भिन्नोदरस्य धनहारित्वनिषेधरूपेण च व्यतिरेकेणेत्यर्थः ।

असंसृष्टीत्येतत् मध्यमणिन्यायेनाग्रेऽपि सम्बध्यते इति तृतीयपादेन पुनर्विधिमाह । **असंसृष्टीत्येतदिति** । **अतश्च** तत्सम्बन्धाच्च । तदनुवृत्तिः प्राग्वदेवेत्याह । **संसृष्टिन इति** । मूले **वा**शब्दः चार्थे इति भावः । न केवलमेतावदेवैकं वाक्यम् । अपि तु उत्तरपादाद्यपदघटितं प्राग्वदेवेत्याह । **कोऽसाविति** । तत्र संसृष्टार्थं पूर्वोक्तभिन्नमाह । **संसृष्टः एकोदरेति** । एकस्मिन्मातुरुदरे जात इत्यर्थः ।

यत्तु–एतत् पितर्यपि बोध्यम्," पतिर्जायां प्रविशति गर्भो भूत्वेह मातरम् । " इति जायाया अपि मातृत्वस्य **श्रौत**त्वात् ।

एवं च पितुः पुत्रत्वेन सोदरत्वे तद्भ्रातुरपि तत्सोदरत्वात्तत्त्वं बोध्यमिति असंसृष्ट्यपि पिता पुत्र एवेति तादृशः सोऽसंसृष्ट्यपि पितुस्तद्भ्रातुः परेतस्यान्येन संसृष्टिनो भागं हरेदिति तात्पर्यं संसृष्टपदप्रयोगस्येति केचित् । तन्न । अनिष्टापत्तेः । तदेतत् ध्वनयन्नेवाह । **सोदर इति** । **यावदिति** । अस्य तात्पर्यार्थमाह । **अनेनेति** । पादेनेत्यर्थः । **असंसृष्टस्यापि**, असंसृष्टिनोऽपि ।

प्राग्वदेवाह । **संसृष्ट इत्युत्तरेणापीति** । तत्र च नाव्यवहितोक्तोऽर्थः अपि तु प्रागुक्त एवेत्याह । **तत्र चेति** । उत्तरवाक्यशेषभूते संसृष्ट इत्यत्रेत्यर्थः । "अर्श आद्यजिति" (व्या. सू. ५।२।१२७) भावः ।

तुर्यपादं व्याख्यातुं प्रतीकं धत्ते । **नान्येति** । मन्वनुरोधेन सर्वं वाक्यमिति न्यायेनाह । **अत्रैवशब्देति** । तथा तस्य तदेवाह । **संसृष्टयपीति** । इदं सर्वमनुवृत्तिलभ्यम् ।

उत्तरार्धस्य संपूर्णस्य तात्पर्यार्थं पूर्वप्रतिज्ञातमाह । **एवं चेति** । उत्तरार्धस्योक्तार्थकत्वे चेत्यर्थः । **अवधारणेति** । तन्निषेधादित्यर्थः । असंसृष्टेत्यादि प्राग्वत् । 'कृत्यानामिति' (व्या. सू. २।३।७१) कर्त्तरि षष्ठी । तत्र हेतुमाह । **द्वयोरपीति** । **एकैकस्येति** । प्रागुक्तस्यैवेत्यर्थः । भिन्नोदरस्य संसृष्टित्वं धनग्रहणे हेतुः, सोदरस्य तत्त्वमेव हेतुर्न संसृष्टित्वमिति भावः ।

उक्तं द्रढयति । **एतदेवेति** । **मनु**नेत्यस्य विभक्ता इत्यादि वदतेत्यन्तं विशेषणम् । **इति** इत्यनेन । **प्रक्रम्येति** । सहजीवन्त इत्युक्त्या तत्प्रक्रम इति भावः ।

"समस्तत्र विभागः स्याज्ज्यैष्ठ्यं तत्र न विद्यते ।" इति अस्योत्तरार्द्धम् ।

पूर्वं कथमपि विभागेऽपीदानीं सम एव विभागः । 'ज्येष्ठस्य विंश उद्धार' इत्याद्युक्तोद्धारो नास्तीति तदर्थः ।

येषामित्यादि **मानवं** व्याचष्टे । **येषामित्यादि** । प्रक्रमादेवाह । **संसृष्टिनामिति** । मिथ इत्यादिः । आद्यन्तयोरुक्तेः न्यायसाम्याच्च मध्यमोऽप्युपलक्षणत्वेन वा विवक्षित इत्याशयेनाह । **मध्यमो वेति** । प्रदानपदोक्तेराधिक्यादाह । **अंशप्रदाने इति** । अत एव च तदुपपत्तिमाह । **सार्वेति** । आद्यादित्वादिति भावः । तथा चांशस्य प्रदानं यस्मिन्निति भावल्युडन्तेन व्यधिकरण-बहुव्रीहिणा कालो विवक्षित इति नाधिक्यं तस्येति भावस्तदाह । **विभागेति** । अर्थादाह । **स्वांशा-दिति** । ततो भ्रंशे हेतुमाह । **आश्रमान्तरेति** । वानप्रस्थादीत्यर्थः । **मौल**मेव हानितो विकल्पमाह । **म्रियेत वेति** । अन्यतरोऽपीति शेषः । अन्यतम इत्यर्थः । उपात्तापेक्षया तथोक्तिः । अपिर्द्यादि-समुच्चये । अस्यैव तात्पर्यमाह । **अत इति** । अलोपादित्यर्थः । तस्यापि तात्पर्यमाह । **न संसृष्टीति** ।

सोदर्या इति **मानवं** व्याख्यातुमवतारयति । **तस्योद्धृतस्येति** । **विनियोगमाहेति** । द्वितीयश्लोकेन स एवेति भावः । भ्रातरो ये च संसृष्टा' इत्युत्तरार्धे संसृष्टपदोक्त्याऽत्र तन्मात्रोक्त्या सोदरा असंसृष्टा' अपीत्यर्थलभ्यासंसृष्टा अपीतिपदान्वयेन पूर्वार्धं व्याचष्टे । **तमित्यादिना** । अपिना तेषां संग्रहः । तथा च साधारणमिदम् । आगमनस्यावधिसाकांक्षत्वादाह । **ये देशान्तरगता-स्तेऽपि इति** । 'देशान्तरगता अपीति' पाठान्तरम् । सहिता इस्यस्य व्याख्या **सम्भूयेति** । मिलित्वेत्यर्थः । सममित्यस्य व्याख्या **न न्यूनेति** । उत्तरार्द्धार्थमाह । **ये चेति** । अत्र चोक्तेर्भ्रातर इत्युक्तेः पूर्वत्र सोदरा इत्युक्तेश्चाह । **भिन्नोदरा इति** । अन्यथा तद्वैयर्थ्यं स्पष्टमेव । **सनाभयः** सहोदर्यः । विभजेयुरित्यस्य व्याख्या **विभज्येति** । सममिति अत्रापि बोध्यम् । क्वचित्त्वत्रापि ततः प्राक् तत्पाठ एव । **तस्य** 'सोदर्या' इत्यस्य ।

अत्र भिन्नोदरा भ्रातरः समानजातीया बोध्याः । असमानजातीयभिन्नोदरसंसृष्टिभ्रातॄणां तु चतुस्त्रीत्याद्युक्तक्रमेण विभागः । समशब्दस्य भिन्नजातीयभ्रातृभिन्नसमानजातीयभिन्नोदरभ्रातृविषय-त्वेनैव साफल्ये चतुस्त्रीत्येतद्बाधकत्वे मानाभावात् ।

बृहस्पतिरपि—

"संसृष्टानां तु यः कश्चिद्विद्याशौर्यादिनाऽधिकम् । प्राप्नोति तस्य दातव्यो ह्यंशः शेषाः समांशिनः ॥" इति ।

ह्यंशदानं तदधिकधनप्राप्तौ ज्ञेयम् ।

शंखोऽपि प्रागुक्त एव, 'भ्रातॄणामिति ।'

नारदोऽपि— (अ. १३ । २४)

" संसृष्टानां तु यो भागस्तेषामेव स इष्यते । अतोऽन्यथाऽनंशभाजो निर्बीजेष्वितरानियात् ॥ " इति ।

कात्यायनोऽपि—

" संसृष्टानां तु संसृष्टाः पृथक्स्थानां पृथक्स्थिताः । अभावेंऽशहरा ज्ञेया निर्बीजान्योन्यभागिनः ॥" इति ।

अतोऽन्यथा संसृष्टिनामभावे । निर्बीजेषु संतानरहितेषु संसृष्टिषु तेषां भाग इतरानंशहरानि-यात् । **अभावे** पुत्रादेरंशहरस्याभावे ।

अत्रायं निष्कर्षः । भिन्नोदरसंसृष्टिभ्रात्रभावे सोदराणां मध्ये यः संसृष्टिसोदरः स एव संसृष्टिनः सोदरस्य मृतस्य धनमादद्यात् इत्यादि । भिन्नोदरेषु तु सजातीयासजातीयत्वकृतभेद उक्त एव । यदा

सोदरा असोदराश्च संसृष्टिनस्तदा सोदरा एव गृह्णीयुः। यदा त्वसंसृष्टिनः सोदराः संसृष्टाश्च भिन्नोदरास्तदोक्तरीत्या उभाभ्यां ग्राह्यम्। एतद्वैपरीत्ये तु सोदरैरेव। सोदराणां मध्येऽपि केचित्संसृष्टा नान्ये तदा सोदरत्वसंसृष्टत्वाभ्यां संसृष्टिभिरेवेति।

यत्तु एकमातृजत्वभिन्नमातृजत्वरूपविशेषेण भ्रातृषु या व्यवस्था दर्शिता सा साक्षात्पितृव्यसापत्नपितृव्येऽपि योज्या, न्यायस्य तुल्यत्वादिति। तन्न। 'सोदरस्य त्विति' विधिवाक्ये सोदरत्वस्याविवक्षायां बीजाभावात्सोदरपदस्य पितृव्योपलक्षकत्वाभावात्। लोकेऽत्यन्तविरुद्धवचनविरोधाच्च न्यायस्य तत्राप्रवृत्तेरिति दिक्।

एतेन "अपुत्रधनं भ्रातॄणामि'त्युक्तं तत्र विशेषमाह। **संसृष्टिन इति**। सर्वमेकं वाक्यम्। तस्मिन्मृते जातस्य पुत्रस्य दद्यादिति तु प्रासङ्गिकम्। सोदर्यत्वाभावे तु नांशभाक्त्वमिति स्पष्टयति। **अन्योदर्य इति**। यदा त्वन्योदर्य एव संसृष्टी न सोदरस्तदाऽऽह। असंसृष्ट्यपि इति" **इत्यपरार्कोक्त**मपास्तम्।

अस्य भ्रातृमात्रविषयत्वे पित्रादिसंसर्गविध्यानर्थक्यापत्तेः। तन्निर्णायकवचनान्तराभावात्। प्रकरणविच्छेदकतुशब्दद्वयवैयर्थ्यात्। 'वानप्रस्थे'त्यादिना तद्विच्छेदात्। सोदर्यनियमादेवान्यव्यावृत्तौ तदुक्तिवैयर्थ्यात्। संसृष्टित्वेऽप्यसंसृष्टिनोंऽशभाक्त्वे **नारदा**दिविरोधाच्च।

एतेन "इदानीमि' त्याद्यवतरणं अन्योदर्य इत्यस्य चिन्त्यम्। अतोऽन्यथेत्यादि**नारदा**दिविरोधात्। पूर्वान्वितयोरग्रेऽनुषङ्गे संसृष्टपदस्यार्थद्वयकल्पने एवाकाराध्याहारे च प्रमाणाभावाच्च। अनेन अन्वयव्यतिरेकाभ्यामित्याद्यपि चिन्त्यम्। संसृष्टिवाक्यस्य पत्न्याद्यपवादत्वोक्त्यैव तदर्थसिद्धेः वाक्यानर्थक्यात्। पित्रादेरपि संसृष्टित्वे पृथक् अन्योदर्ये तदुक्तिवैयर्थ्याच्च। विभक्ता इति **मनोः** तथा व्याख्यानमपि चिन्त्यम्। तयोर्विशेष्यविशेषणभावेनैव **बृहस्पत्ये**कवाक्यतयाऽर्थान्तरकल्पनाया अन्याय्यत्वात्। चकारात् तथा कल्पने **नारदा**दिविरोधात्। चद्वयस्य द्वन्द्वविग्रहवदुपपत्तेः। विशेषणानर्थक्यं तु न, भगिनीविशेषणवद्भिन्नोदरवारणार्थत्वात्। तस्मात्सापत्नो धनं हरेत्, अन्योदर्यः सोदरः संसृष्टी न चेत्, असंसृष्ट्यपि आदद्यात्, संसृष्टो नान्यमातृजश्चेदिति व्याख्यानमुचितम्" इति **भ्रान्तो**क्तमपास्तम्। आशयानवबोधात्। अत्रांशमिति सामान्योक्त्या स्थावरेऽप्येवम्। अत एव प्रागुक्त**यमा**दिसङ्गतिः। एतेन "अंशमिति सामान्योक्तावपि स्थावरे विशेषो **वृद्धहारीता**द्युक्त" इति **भ्रान्तो**क्तमपास्तम्॥ १३९॥

सङ्गतिमाह। **पुत्रेति**। पुत्रश्च पत्नी च पुत्रपत्न्यौ ते आदी येषां ते पुत्रपत्न्यादयस्ते च संसृष्टी च तेषां त्रयाणामित्यर्थः। आदिभ्यां पौत्रादेर्दुहित्रादेश्च ग्रहणमिति न न्यूनता। एतेन आद्ये उपलक्षणतया व्याख्यानमपास्तम्।

याज्ञवल्कीये १४० श्लोकः।

तस्य त्रितयस्य। मूले अथशब्दः समुच्चये। **तृतीयेति**। स्त्रीपुंसभिन्नेत्यर्थः। **प्रकृतिः** स्वभावः प्रकार इति यावत्। तथा च स्वाभाविकतत्त्ववतस्तेन ग्रहणम्। तेन कादाचित्ककृत्रिमतत्त्ववतो निरासः।

अत एव **कात्यायनः**—

" न मूत्रं फेनिलं यस्य विष्ठा चाप्सु निमज्जति । मेढ्रं चोन्मादशुक्राभ्यां हीनं क्लीबः स उच्यते इति" ।

नारदोऽपि. (अ. १३ श्लो. १०।११।१२।१३)

" यस्याप्सु प्लवते वीर्यं ह्लादि मूत्रं च फेनिलम् । पुमान्स्याल्लक्षणैरेतैर्विपरीतैस्तु षण्ढकः ॥
" चतुर्दशविधः शास्त्रे षण्ढो दृष्टो मनीषिभिः । चिकित्स्यश्चाचिकित्स्यश्च तेषामुक्तो विधिः क्रमात् ॥
" निसर्गषण्ढो बध्रश्च पक्षषण्ढस्तथैव च । अभिशापाद्गुरो रोगाद्देवक्रोधात्तथैव च ॥
" ईर्ष्याषण्ढश्च सेव्यश्च वातरेता मुखेभगः । आक्षिप्तो मोघबीजी च शालीनोऽन्यापतिस्तथा ॥"इति ।

निसर्गषण्ढः स्वभावतो लिङ्गवृषणहीनः । बध्रश्छिन्नमुष्कः । पञ्चदश दिनानि स्त्रियमासेव्य सकृद्भोगक्षमः पक्षषण्ढः ॥ ३ ॥ गुरुशापषण्ढादयस्त्रयः स्पष्टाः ॥ ६ ॥ ईर्ष्यया पुंस्त्वमुत्पाद्यते यस्य स ईर्ष्याषण्ढः ॥ ७ ॥ स्त्र्युपचारविशेषेण पुंस्त्वशक्तिर्यस्य स सेव्यषण्ढः ॥ ८ ॥ वातोपहतरेतस्को वातरेताः ॥ ९ ॥ यस्य मुखे एव पुंस्त्वशक्तिर्न योनौ स मुखेभगः ॥ १० ॥ रेतो निरोधात् षण्ढीभूत आक्षिप्तषण्ढः ॥ ११ ॥ गर्भाधानासमर्थबीजी ॥ १२ ॥ अप्रगल्भतया क्षोभाद्वा नष्टपुंस्त्वः शालीनः ॥ १३ ॥ यस्य भार्याव्यतिरेकेणान्यासु पुरुषभावः सोऽन्यापतिरिति ॥ १४ ॥

क्लीबस्य जनकत्वासंभवादाह । **पतितोत्पन्न इति** । अकृतप्रायश्चित्तोत्पन्न इत्यर्थः । **ग्रहेति** । तादृशा ये ग्रहास्तदावेशस्वरूपैरित्यर्थः । सर्वथा चैतन्यशून्यत्वस्यासंभवादाह । **विकलान्तारिति** । तस्यापि तात्पर्यमाह । **हिताहितेति** । **नेत्रेन्द्रियेति** । नेत्ररूपेन्द्रियेत्यर्थः । अनेनापि स्वाभाविकमेव तत्त्वं विवक्षितमिति सूचितम् । अत एवाग्रे निरिन्द्रियग्रहणं **मानवे** जात्यन्धग्रहणं च । तादृशरोगस्वरूपमाह । **क्षयादीति** । आद्यशब्देनेति पाठः ।

तेषां निरंशकत्वांशे मानमाह । **यथाहेत्यादिना** । आश्रमान्तराणि नैष्ठिकवानप्रस्थोत्तमाश्रमाः । **क्षेत्रजाः** तदादयः । अत एवैतदन्येषां सामान्येनोक्तिः । **जात्यन्धेति** । जात्या स्वभावेनान्धबधिरावित्यर्थः । **मानवे** तथाशब्दः चार्थे । 'उन्मत्तेति' द्वन्द्वोत्तरपदको द्वन्द्वः । वर्णानुच्चारको मूकः । ननु निरिन्द्रियग्रहणेनैव जात्यन्धपरिग्रहे सिद्धे तदुक्तिर्व्यर्था । न च ब्राह्मणवसिष्ठन्यायेन निर्वाहः । सति गमके एव तन्न्यायविषयत्वात् । अत आह । **व्याध्यादिनेति** ।

पदार्थानुक्त्वा मूलवाक्यार्थमाह । **एते इति** । ननु **मानवादौ** तावन्मात्रोक्त्या मूलस्यापि तत्रैव तात्पर्यमस्तु न भरणे अत आह । **अभरणे त्विति** । 'सर्वेषामिति' शेषे षष्ठी । क्लीबादीनामित्यर्थः । अनंशावित्यग्रिमोऽन्वयः । **तुरेवार्थे** व्युत्क्रमे च । दातुमेवेत्यर्थः । **न्याय्यं** न्यायप्राप्तम् । शक्त्येत्यनेन न्यूनाधिकभावो निरस्तः । ग्रासाच्छादनमिति समाहारद्वन्द्वः । एवार्थं स्फुटयति । **पतित इति** । **हि** यतः । अत्यन्तमित्यस्य पूर्ववाक्यान्वयिनोऽर्थमाह । **यावदिति** । एतेन 'शक्त्ये' त्यनेन 'अत्यन्तमिति' विरुद्धमित्यपास्तम् ।

यद्यपि **देवलेन** पतितवर्जं भरणमुक्तं—

" मृते पितरि न क्लीबकुष्ठ्युन्मत्तजडान्धकाः । पतितः पतितापत्यं लिङ्गिदायांशभागिनः ॥
" तेषां पतितवर्जेभ्यो भक्तं वस्त्रं प्रदीयते । तत्सुताः पितृदायांशं लभेरन् दोषवर्जिताः ॥ " इति,

लिङ्गी प्रव्रजितादिः । अत्र निषेधे पतितपदेन तत्सुतोऽपि । पतितोत्पन्नत्वेन पतितत्वात् ।

अत एव **बौधायनः** (२-२-३८-४१) " अतीतव्यवहारान् ग्रासाच्छादनैर्बिभृयुरन्धजडक्लीबव्यसनिव्याधितादींश्चाकर्मिणः पतिततज्जातवर्जमिति, "

तथापि **तत्** प्रायश्चित्तयोग्यतदिच्छुपरम् । अत एव **मानवे** सर्वेषामिति अत्यन्तमिति **चोक्तम्** । अत एव तद्विरोधो नेति दिक् । क्वचिद्विशेषमाह । **एतेषामिति** । पतितादीनां स्वाभाविकदोषदुष्टभिन्नानामित्यर्थः । अत एवाग्रे वक्ष्यति । **पतितादिष्विति । दोषप्राप्तौ** अप्रत्याख्येयेत्यादिः । **न पुनः** न तु । अग्रे दोषेत्याद्यनुषङ्गः । तत्रानंशत्वमित्यस्य तत्पर्यावर्तनमित्यर्थः । तदानीं तत्त्वाभावात् । तच्च विशेषणं न तूपलक्षणमिति भावः ।

तत्रापि विशेषमादिपूरणेन सूचितमाह । **विभागोत्तरेति** । 'कालाध्वनोरिति ' द्वितीया । विभागात्प्रागेव दोषप्राप्तौ विभागकाले दोषदुष्टस्यापीति शेषः । तथा च स्वाभाविकवत् कृत्रिमदोषेऽपि विभागात्पूर्वं जाते यत्राचिकित्स्यत्वं तत्रैवानंशत्वं नान्यत्रेति निर्गलितमिति तात्पर्यम् । 'औषधादीति ' **आदिना** प्रायश्चित्तस्यापि ग्रहणम् । नन्विदं केवलमयुक्तम् । अनन्तरं तेन तन्निरासेऽपि तदानीं तस्य सत्त्वात् । तस्य विशेषणत्वाङ्गीकारात् । अत आह । **विभक्तेष्विति** । मूलोक्तिरेवेयम् । यथा विभागादूर्ध्वमुत्पन्ने पूर्वं तदीयविभागाभावेऽपि स्वरूपोत्पत्त्या धर्मोत्पत्तिः, एवं तदानीं तत्सत्त्वेन तदभावेऽपि विभागोत्तरं तद्दोषविनाशे तत्त्वस्याभावेन योग्यतया तदुत्पत्तिरिति तस्मिन् पुरुषे समानन्यायत्वमित्यर्थः ।

क्लीबेऽसम्भवात्पतितादौ विशेषान्तरमाह । **पतितादिष्विति** । उद्देश्यगतत्वेन तदविवक्षा बोध्या । ऋदन्तानामेव द्वंद्वाभावात् दुहितृशब्दे आनङ् न । **उक्तदोषेति** । पतितत्वादिदोषैर्दुष्टानामित्यर्थः । तत्रापि प्रागुक्तरीतिः सर्वा बोध्या ॥ १४० ॥

सङ्गतिमव्यवहितेनाह । क्लीबादीनामिति । इदं वक्ष्यमाणं प्रतिप्रसवरूपम् ।

याज्ञवल्कीये १४१ श्लोकः (पूर्वार्धः) ।

इदमः प्रक्रान्तार्थकत्वादाह । **क्लीबादीनामिति** । मूले **तुः** वार्थे इत्याह । **वेति** । अन्यादृशदोषशून्यत्वस्य प्रकृतेऽनुपयोगादाह । **अंशेति** । उभयग्रहणफलमाह । **तत्रेति** । तयोर्मध्ये इत्यर्थः । अपिना तस्य समुच्चयः । मूले बहुवचनं क्लीबादिसर्वाभिप्रायम् । अत एव बहुवचनादन्येषां ग्रहणशङ्का नेत्याह । **औरसेति** । अन्यथौरसादय इत्येव ब्रूयात् । **व्युदासार्थमिति** । तथा च तेषामंशाभाव एव । औरससमत्वात्पुत्रिकाऽपि प्राप्नोति । साऽप्यौरसपदे**नैवोपात्ता** ।

(उत्तरार्धः)

मूले **वैशब्दः** निश्चये । भर्तृसात्कृता इत्यस्यार्थमाह । **विवाहसंस्कृता भवन्तीति** । तथा च तत्र भूतत्वमविवक्षितमिति भावः । **चशब्दादिति** । व्युत्क्रमणीयादित्यर्थः ॥ १४१ ॥

याज्ञवल्कीये १४२ श्लोकः ।

साधुवृत्तय इति हेतुगर्भं विशेषणमित्याह । **चेदिति** । तत्फलमेवाह । **व्यभिचारण्य इति** ।

तुर्यपादं सप्रतीकं पूर्वतो विशेषसत्त्वात्पृथक् व्याचष्टे । **प्रतीति** । यद्यपि अव्यवहितत्वान्निर्वास्या इत्येव प्राप्तं तथापि चशब्दबलात् भर्तव्या इत्यस्यापि सम्बन्ध इत्याह । **भरणीयाश्चेति** । नन्वेवं व्यभिचारिणीषु प्रतिकूलासु अनेनोभयं प्राप्तं, तृतीयपादेन तु निर्वासनमेव प्राप्तम् । तत्र हि निर्वास्या इत्यस्य सर्वं वाक्यमिति न्यायेन निर्वास्या एवेत्यर्थः इति मिथो विरोधोऽतआह । **अव्यभिचारिण्यश्चेदिति** । तथा च भिन्नविषयत्वान्न विरोधः । अत एव विभिन्ननिमित्तोक्तिसङ्गतिः । **न पुनः** न तु । अकरणे दोषश्रवणादिति भावः ॥ १४२ ॥

अथ व्यवहितसंगतिमाह । **विभजेरन्निति ।** तत्र तदपवादत्वेन 'मातुर्दुहितर' इत्युक्तावपि प्रकारान्तरानुक्त्या न विस्तर इति भावः । **अभिहित इति ।** 'औरसो धर्मपत्नीज' इत्यादिना 'अपुत्रा योषित' इत्यन्तेनेति भावः । **अभिधास्यन्** 'अतीतायामि' त्यादिना । **तत्स्वरूपं** स्त्रीधनस्वरूपम् ।

याज्ञवल्कीये १४३ श्लोकः ।

पित्रिति । अत्र द्वंद्वोत्तरपदकद्वंद्वगर्भो द्वंद्वः । द्वितीयपादस्याग्निसमीपप्राप्तमिति शाब्दोऽर्थः । तत्फलितं वक्ष्यमाण**कातीयानु**रोधेनाह । **यच्च विवाहेति ।** नित्यसमासत्वेनास्वदविग्रहत्वादाह । **अग्नावधिकृत्येति ।** अग्निसन्निधावित्यर्थः । एतेन विवाहकाले कन्यादानकालेऽग्निसन्निधौ होमकाले चेति **कातीय**व्याख्यानं कस्यचिदपास्तम् । उपागमनबीजमाह । **मातुले**ति । आदिना पितृव्यभातृष्वस्रादिग्रहणम् ।

अधीति । अधिवेदनं निमित्तं यस्येत्यर्थः । अधिवेदनं च सत्यां धर्मपत्न्यां रागत एव विवाहान्तरकरणम् । 'तस्य निमित्ताम्' इत्यधिकारीयष्ठक् (व्या.सू.५।१।३८)। अत्र मानमाह । **अधीति ।** मूलकृतेति भावः । अत्र आधिवेदनिकं चैवेति **प्राच्य**धृतपाठो न युक्तः । एवशब्दस्य वैयर्थ्यात् । न्यूनतापत्तेः । वचनान्तरविरोधापत्तेश्च । तत् ध्वनयन्नाह । **आद्यशब्देनेति ।**

तत्र रिक्थस्य स्त्रीधनत्वे मानं तु 'पत्नी दुहितरश्चैवेति' प्रागुक्तं **मूलं** स्पष्टमेव ।

नारदोऽपि (अ. १३ । ८)

"अध्यग्न्यध्यावहनिकं भर्तृदायस्तथैव च । भ्रातृदत्तं पितृभ्यां च षड्विधं स्त्रीधनं स्मृतम्" ॥ इति ।

कात्यायनोऽपि—

'भर्तृदायं मृते पत्यौ विन्यसेत् स्त्री यथेष्टतः । विद्यमानेषु संरक्षेत् क्षपयेत्तत्कुले ऽन्यथा ॥" इति ।

मृते इति । तदा तदनुमत्यनपेक्षा सूचिता । स्वातन्त्र्यापवादमाह । विद्यमानेष्विति । दुहित्रादिदायादेषु तत्संरक्षेन्न स्वेच्छया व्ययीकुर्यात् । **अन्यथा** दुहित्राद्यभावे । अत्र **मृते** स्वातन्त्र्योक्त्या जीवति तन्नेति गम्यते । यथेष्टविनियोगाभावे **तत्कुले** भर्तृकुले **क्षपयेत्** विनियोजयेदित्यर्थः ।

"**व्यासो**ऽपि,

"द्विसहस्रपणो दायः स्त्रियै देयो धनस्य तु । यच्च भर्त्रा धनं दत्तं सा यथावदवाप्नुयात्" ॥ इति ।

इयं संख्या प्रत्यब्दं देये । सकृदेवानेकाब्दपर्याप्तधनदाने तु नेयं संख्या । नापि स्थावरनिषेधः ।

"दद्याद्धनं वा पर्याप्तं क्षेत्रांशं वा यदीच्छति ।" इति **बृहस्पतेः ।**

एतेन—

"पितृमातृपतिभ्रातृजातिभिः स्त्रीधनं स्त्रियै । यथाशक्त्या द्विसाहस्राद्दातव्यं स्थावरादृते ॥"

इति **कातीयम**पि व्याख्यातम् ।

एतेन "भर्त्रा प्रीतेनेति" **मन्वा**द्येकवाक्यतया भर्तृदायम् इत्यस्य भर्तृदायम्" इति **व्याख्यानाम्,** "इदं भर्तृदत्तद्विविधजङ्गमसौदायिकविषयं, भर्तृदायोपक्रमात् । एतदग्रिमम् अपुत्रा शयनमिति तु स्थावरविषयम् । एतदग्रिमम् अपुत्रा शयनमिति तु स्थावरविषयम्" इति **भ्रान्तादेश्च** व्याख्यानमपास्तम् । भर्तृदत्तमित्यपि पाठे दोषलेशाभावेन तथा पाठस्य निर्बीजत्वापत्तेः । तावताऽपि **याज्ञवल्क्या**दिविरोधस्य दुष्परिहरत्वात् । अत्रापि वचनान्तरैकवाक्यतायाः सत्त्वस्योक्तप्रायत्वाच्च । तदाशयस्योक्तत्वाच्च ।

संविभागलब्धस्यापि तत्त्वे मानं तु—

"यदि कुर्यात्समानंशान्पत्न्यः कार्याः समांशकाः । न दत्तं स्त्रीधनं यासां भर्त्रा वा श्वशुरेण वा"॥ इति—

"पितुरूर्ध्वं विभजतां माताऽप्यंशं समं हरेत् ।" इति "दत्ते त्वर्धांशहारिणीति" च **मूलं** प्रागुक्तमेव । क्रयादिलब्धस्य तत्त्वं तु सामान्यतो लोकप्रसिद्धमेव ।

देवलोऽपि—

"वृत्तिराभरणं शुल्कं लाभश्च स्त्रीधनं भवेत् । भोक्त्री तत्स्वयमेवेदं पतिर्नार्हत्यनापदि"॥ इति।

सर्वत्र मानं तु स्वत्वकारकहेतूनामष्टानां परिगणनपरो **गौतम** एव (अ. १० सूत्र ३९–४२)

"स्वामी रिक्थक्रयसंविभागपरिग्रहाधिगमेषु । ब्राह्मणस्याधिकं लब्धम् । क्षत्रियस्य विजितम् । निर्विष्टं वैश्यशूद्रयोरिति ।"

इदं च प्राग्व्याख्यातम् । स्वत्वस्य स्वत्वहेतूनां च लोकप्रसिद्धत्वेन शास्त्रैकसमधिगम्यत्वाभावेऽपि गौतमवचनं नियमार्थमित्यपि प्रागुक्तमेव ।

एवं पदार्थानुक्त्वा वाक्यार्थमाह । **एतदिति** । एकादशधोक्तं सर्वमित्यर्थः । अप्रामाण्यशङ्कानिरासाय साकांक्षमेवाह । **मन्वादिभिरिति** । यत्तु षड्विधं स्त्रीधनमिति **मनो**स्तत्परिगणितेषु षट्स्वश्वकर्णादिवत्तद्रूढ एव स्त्रीधनशब्द इति त्वदाद्यशब्देन कथं तेषां परिग्रह इति कैश्चिदुक्तम् । तन्न । वचनान्तरविरोधाच्छिष्टाचारविरोधाच्च । तस्माद्यौगिक एवायं दृष्टान्तवैषम्यादित्याह । **स्त्रीधनेति** । **च**स्त्वर्थे । एवमग्रेऽपि । **योगेति** । अक्लृप्तेति न्यायात् । न च रूढिर्योगमिति न्यायेन वैपरीत्यं शङ्क्यम् । लब्धात्मिकाया एव रूढेस्ततः प्राबल्यस्य न्यायविषयत्वात् । एवं चालब्धात्मकरूढितो योगस्यैव प्राबल्यमिति भावः ।

किञ्चास्य तथात्वे पुरुषधनशब्दे स्त्रीपुरुषधनशब्दे मातृधनशब्दे पितृधनशब्देऽपि तथा वक्तव्यत्वापत्तेः । तद्वदत्रापि निर्वाहाच्च । सौदायिकं धनं प्राप्येत्यनेन योगस्यैव बोधनाच्च । न चैवं पुरुषधनादिवदेतस्याप्यकथनमेवोचितामिति वाच्यम् । तस्या अस्वातन्त्र्येणार्जनाद्यनधिकाराद्धनाभावेन मातृधनं दुहितृगामीत्यस्यासङ्गतिनिरासाय **मनू**क्तस्त्रीधनषट्त्वस्य न्यूनतानिरासे तात्पर्यमिति सूचयितुं मूलकृदादिभिर्बहुभिर्मुनिभिर्बह्वानि तान्युक्तानीति दिक् ।

नन्वेवं **मनु**विरोधोऽत आह । **यत्पुनरिति** । यत्त्वित्यर्थः । एवमग्रेऽपि । 'भ्रातृमातृ' इत्यत्रोभयत्र शाकपार्थिवादिसमासः । अत एवानङ् न ।

मूलवचनान्तरानुरोधेनाह । **तन्न्यूनेति** । युक्तं चैतत् । अन्यथा हि षड्विधमध्येऽपि मूलतो **मानवे नारदीये** च प्रागुक्ते विशेषस्य सत्त्वेन तत्रातिविरोधदार्ढ्यमेव ।

किं च तेनापि तदग्रे एवान्वाधेयं च यद्दत्तमित्यादिना तदधिकमुक्तमिति तस्यापि मिथोऽन्यथा विरोध एवेति ।

अभिहितमिति । **मानवो**क्तक्रमेणेति भावः । **स्त्रीभ्यः** कन्याभ्यः । प्रकृतत्वात् । **हि**शब्दः निश्चये । तत् दानेन तदीयत्वात् स्त्रीधनं अध्यग्निकृतमित्येवं सद्भिः परिकीर्तितमित्यन्वयः । एवमग्रेऽपि । **पुनस्त्वर्थे** उक्तवैलक्षण्ये । अध्यावहनं ततो नयनं तदस्ति हेतुत्वेन यस्येति 'अत इनिठनौ' (व्या. सू. ५।२।११५) इति ठन् । **नाम**शब्दः निश्चये ।

प्रीतिदत्तं द्विविधं, प्रथमदर्शने प्रीत्या पादवन्दननिमित्तकं, तदुत्तरं सेवया प्रीत्या दत्तं च। तत्रादौ द्वितीयमाह । **प्रीत्येति** । आद्यमाह । **पादेति** । तत्प्रीतिदत्तमेवोच्यते इत्यन्वयः । अनेन **मानवे** 'प्रीतिकर्मणीति' समाहारद्वन्द्वात्सप्तमी । कर्म च पादवन्दनमेव । संख्याविरोधस्तूक्तरीत्या नेति बोध्यमिति सूचितम् । भ्रातृप्राप्ताद्याह । **ऊढयेति** । यद्यपि कन्याशब्द ऊढायामप्यक्षतयोन्यां तथापि तत्साहचर्यादनूढापर एवात्र । ऊढया पत्युः सकाशाल्लब्धं भ्रातुः सकाशात्पित्रोर्वा सकाशाल्लब्धं वा । अथवा कन्ययाऽपि पितृगृहे स्थितयाऽपि वाऽन्यत्रस्थितया वा भ्रातुः पित्रोर्मातापित्रोः सकाशाद्यल्लब्धं तत्सर्वं सौदायिकं स्मृतमित्यर्थः । सुदाय एव सौदायिकं, स्वार्थिकष्ठन् । स्वदायतो लब्धमिति वा । स्वदायसम्बन्धिभ्यो लब्धमिति तु प्राञ्चः । पूर्वं रिक्थपदार्थस्तु एतदन्यो ग्राह्यः ॥१४३॥

याज्ञवल्कीये १४४ श्लोकः ।

किं चेति । अन्यदपि स्त्रीधनं मूलकृदाहेत्यर्थः । अत एव मूले **तथेति** उक्तवदित्यर्थः । प्रकृतत्वादनूढावस्थायां दत्तस्यैव तत्त्वाच्चाह । **कन्याया इति** । 'भ्रातृबान्धवयोर्बन्धुरिति' **कोशे**ऽपि भ्रातुः प्रागुपादानादाह । **मात्रिति** । स्वसमानत्वादात्मबन्धूनामग्रहणम् । **यदिति** । तथाचार्षासुरादिविवाहविषयमिदम् । अत एव **गौतमीयं** (अ. २८ सू. १३।२४) "भगिनीशुल्कं सोदर्याणामूर्ध्वं मातुः । पूर्वं वैके" इति वक्ष्यमाणं भगिनीशुल्कं आसुरादिविवाहोढाया भगिन्या धनमिति **कल्पतरुणा** व्याख्यातम् । वृत्त्यपेक्षो विकल्पः ।

कात्यायनेन त्वन्यथैतदुक्तं—

"गृहोपस्करवाह्यानां दोह्याभरणकर्मणाम् । मूल्यं लब्धं तु यत्किंचिच्छुल्कं तत्परिकीर्तितम्" ॥ इति ।

गृहादिकर्तॄणां शिल्पिनां तत्तत्कर्मकरणाय भर्त्रादिप्रेरणार्थं तस्यै यद्दानं तच्छुल्कम् । तदेव मूल्यं प्रवृत्त्यर्थत्वात् इत्यर्थः । गृहं प्रसिद्धम् । उपस्कर उलूखलादिः । वाह्यो वृषादिः । दोह्यो गवादिः । आभरणं प्रसिद्धम् । कर्मिणामिति पाठे ते दासाद्याः, तदा एतेषां मूल्यं यल्लब्धं तच्छुल्कमित्यर्थः ।

व्यासेन त्वन्यथैतदुक्तम्—"यदानीतं भर्तृगृहे शुल्कं तत्परिकीर्तितम्" इति ।

भर्तृगृहगमनार्थमुत्कोचादि यद्दत्तं तदित्यर्थः । इदं चोभयं ब्राह्मादिष्वप्यविशिष्टम् । अन्वाधेयके स्वार्थे कन् इत्याशयेन योगार्थमाह । **परिणयनादिति** । आधेये भूतत्वं विवक्षितमित्याह । **आहितमिति** । तदर्थमाह । **दत्तमिति** । मूले एवशब्द एतदन्यव्यवच्छेदे ।

तृतीये मानमाह । **उक्तं चेति** । स्पष्टोऽर्थः । **भर्तृकुलात्**, श्वशुरादेः । **पितृकुलात्**, मातापितृकुलात् । अन्यदपि तत्रैवोक्तम् ।

"ऊर्ध्वं लब्धं तु यत्किंचित्संस्कारात्प्रीतितः स्त्रिया । भर्तुः पित्रोः सकाशाद्वा अन्वाधेयं तु तद्भवेत्" ॥इति ।

ततः प्रीतिप्रयुक्तोऽत्र विशेषः ।

मूलस्य साकांक्षात्वात्तथेत्यनेन सूचितमेवाह । **स्त्रीधनमिति** ।

अत एव **विष्णुः**,

"पितृमातृसुतभ्रातृदत्तमध्यग्न्युपागतम् । आधिवेदनिकं बन्धुदत्तं शुल्कान्वाधेयकम्" ॥ इति ।

"प्राप्तं शिल्पैस्तु यद्वित्तं प्रीत्या चैव तदन्यतः । भर्तुः स्वाम्यं तदा तत्र शेषं तु स्त्रीधनं स्मृतम्" ॥

इति **कातीयं** तु महानिबन्धेषु **मिताक्षरा**दिष्वदर्शनान्निर्मूलम् । सत्त्वेऽपि वा तदेत्युक्तिसाफल्याय च भर्तरि जीवति उभयविषयमात्रे तस्य स्वाम्यस्य विद्यमानत्वान्न तस्याः स्वाम्यम् । अन्यत्सर्वं तस्या एव । उभयमपि भर्तुरभावे तस्या एवेत्यर्थे पूर्वोक्तवाक्यतैव ।

यद्वा । भर्तरि जीवत्यपि वक्ष्यमाणदुर्भिक्षाद्याशयकम् । तदा दुर्भिक्षादौ शेषं दुर्भिक्षाद्यभाववदित्यर्थात् । अत एव सौदायिके सदा स्त्रीणामित्यत्र सदेत्युक्तम् । तत्रापि सदेति पाठे तु भर्तुरित्यस्य मध्यमणिन्यायेनान्वयात् भर्तुः शिल्पैः तन्तुवायादिस्त्रीभिर्यद्वस्त्रवयनादिना प्राप्तं भर्त्तुः प्रीत्या च यदन्यैर्दत्तं तत्र भर्त्तुः स्वामित्वमित्यर्थः । युक्तः चैतत् । अन्यथा स्वार्जनस्य स्वत्वानापादकत्वापत्तेरिति ।

एवमन्योऽपि स्त्रीधनत्वापवादः ।

तथा च **कातीयम्,**

"तत्र सोपाधि यद्दत्तं यच्च योगवशेन वा । पित्रा भ्रात्राऽथवा पत्या न तत्स्त्रीधनमिष्यते" ॥ इति ।
उत्सवादौ शोभा उपाधिः । संभोगाद्यर्थं छलं योगः ।

स्त्रीणां सर्वथाऽस्वातन्त्र्यस्य पूर्वमुक्तत्वात्स्वधनव्ययेऽपि भर्त्राद्यनुमतिरपेक्षिता सति संभवेऽनापदि । अत एव तदस्तु पारतन्त्र्यं धनस्वीकारे को विरोध इति पूर्वं **मिताक्षरा** । सौदायिके तु न तथा ।

तथा च **कात्यायनः,**

"ऊढया कन्यया वाऽपि पत्युः पतिगृहेऽपि वा । भ्रातुः सकाशात्पित्रोर्वा लब्धं सौदायिकं भवेत् ॥
"सौदायिकं धनं प्राप्य स्त्रीणां स्वातन्त्र्यमिष्यते । यस्मात्तदानृशंस्यार्थं तैर्दत्तं तत्प्रजीवनम् ।
"सौदायिके सदा स्त्रीणां स्वातन्त्र्यं परिकीर्तितम् । विक्रये चैव दाने च यथेष्टं स्थावरेष्वपि" इति ।

एतदग्रे भर्त्तुर्दायमिति, ततोऽग्रे अपुत्रा शयनमिति च पूर्वोक्तपाठः । 'सदे'त्यस्य भर्त्तरि जीवत्यजीवति वेत्यर्थः । आनृशंस्यमनुकम्पा तन्निमित्तम् । प्रजीवनं जीवनप्रकर्षाधायकम् ।

एतेन सौदायिकमिति स्त्रीधनमात्रोपलक्षणं, यस्मात्तदिति हेतोः सर्वत्र सत्त्वादिति **भ्रान्तो**क्तमपास्तम् । आपद्यनापदि वेत्यर्थः । अत एवाग्रेऽन्यथोक्तिर्दायांशे ।

स्थावरे तु भर्तृदत्तमात्रे न स्त्रिया दानाद्यधिकारः । 'भर्त्रा प्रीतेन यद्दत्तमिति' प्रागुक्त**नारदात्** । एतेन 'मृते भर्त्तरीति' प्रागुक्त**कातीयमपि** व्याख्यातम् । तद्दत्तस्थावरान्यस्थावरं श्वशुरादिदत्तं तु देयमेव । उक्त**कातीयात्** ।

"स्थावरादिधनं स्त्रीभ्यो यद्दत्तं श्वशुरेण तु । न तच्छक्यमपाहर्तुं पुत्रैरपि हि कर्हिचित् ॥ "

इति **बृहस्पतेश्च** । अन्यथा मिथो विरोधः ।

न च स्त्रिया दाने नाधिकार इति वाच्यम् । श्रुतिस्मृतिपुराणादौ बहुशो व्रतेष्टापूर्त्तादौ तत्प्रतिपादनात् ।

"पितृभ्यां यस्य यद्दत्तं तत्तस्यैव धनं भवेत् ।" इति पूर्वं **मूलोक्तेः** स्वत्वाभावे परस्मै दानेऽनधिकारेण तदसङ्गतेश्च । कथं चित् कृतेऽपि चौर्यदण्डापत्तेश्च । अनुमत्या कृते फलाभावापत्तेश्च । भर्तृदानस्यापि पुराणे प्रसिद्धत्वाच्च । दुर्भिक्षाद्यन्यत्र तु न कस्यापि तद्धनग्रहणेऽधिकारः ।

तथा च **[कात्यायनः]**,

" न भर्ता नैव च सुतो न पिता भ्रातरो न च । आदाने वा विसर्गे वा स्त्रीधने प्रभविष्णवः ॥
" यदि ह्येतकरो ह्येषां स्त्रीधनं भक्षयेत् बलात् । स वृद्धिं प्रतिदाप्यः स्याद्दण्डं चैव समाप्नुयात् ॥
" तदेव यद्यनुज्ञाप्य भक्षयेत्प्रीतिपूर्वकम् । मूलमेव तदा दाप्यो यदा स धनवान्भवेत् ॥
" अथ चेत् स द्विभार्यः स्यान्न च तां भजते पुनः । प्रीत्या विसृष्टमपि चेत्प्रतिदाप्यः स तद् बलात् ॥
" ग्रासाच्छादनवासानामुच्छेदो यत्र योषितः । तत्र स्वमाददीत स्त्री विभागं रिक्थिनां तथा ॥ "इति ।

एतेन " अनियतसंख्यस्त्रीधनमङ्गीकृत्य षट्त्वसंख्याया अविवक्षामुक्त्वा वचनानाम् स्त्रीधनकीर्तनमात्रपरत्वमङ्गीकृत्य यत्प्रजल्पितं प्राच्यैः तदेव च स्त्रिया धनं यत् भर्तृतः स्वातन्त्र्येण ददाति विक्रीणीते भुङ्क्ते च तदिदं किञ्चित्संक्षिप्य **कात्यायनेनोक्तं** 'प्राप्तं शिल्पैस्त्विति' तेन न तत् स्त्रीधनं सौदायिकं तु तथा " इति तदपास्तम् । अनेकवचनविरोधापत्तेः । **कातीया**शयस्योक्तत्वाच्चेति दिक् ।

तदित्यस्य व्याख्या पूर्वोक्तमिति । सर्वमित्यर्थः । अप्रजसीत्यसिजन्तम् । तदर्थः । **अनपत्यामिति** । कन्यादौ मात्रवयवान्वयबाहुल्यात्तस्यापि स्पष्टमर्थं प्रागुक्तस्य ' मातुर्दुहितर' इत्यस्यानुरोधेनाह । **दुहित्रिति** । एतत्पञ्चकरहितायामित्यर्थः । अन्यत्र बान्धवशब्दस्य बन्धुत्रयपरत्वेऽपि प्रकृते वक्ष्यमाणानुरोधेनान्यार्थपरत्वमित्याह । **भर्त्रादयो वक्ष्यमाणा इति** । अनुपदमेवेति शेषः । विधिर्न विवक्षित इत्याह । **गृह्णन्तीति** ॥ १४४ ॥

सङ्गतिमाह । **सामान्येनेति** । भर्त्रादित्वसामान्येनेत्यर्थः । **अधिकारिभेदमिति** । तथा च पूर्वव्यवस्थापकमेवाग्रिममिति भावः । एतेनातीतायामित्यर्धं बन्धुदत्तमित्यनेन पूर्वत्रानन्वितेन सम्बद्धमित्यपास्तम् । मध्ये पाठासाङ्गत्याद्यापत्तेः ।

याज्ञवल्कीये १४५ श्लोकः ।

पूर्वोक्तायाः । दुहित्रादिपञ्चकरहितायाः । तस्याः ब्राह्मादिना धनसम्बन्ध इत्याह । **ब्राह्मेति** । सप्तम्युपपत्तये आह । **भार्यात्वमिति** । प्रकृतत्वादाह । **अतीताया इति** । तत्रार्षः समासो लुप्तविभक्त्यन्तं तत् पृथक् वा पदमिति भावः । तत एव धनमपि न यत्किञ्चिदित्याह । **पूर्वोक्तम् इति** । सर्वमित्यर्थः । भर्तुरेकस्योपादानादाह । **प्रथममिति** । मात्रा स्वस्रा वा तद्ग्राह्यमिति । **पैठीनसिरप्येवम्** । एतेन ' स्त्रीधनं भर्ता इति पाठाभिप्रायेणेयं मे पुत्र इत्येतत्पुत्रशेषपरमिदं, **मानवं** तु ' अस्यां यो जायते पुत्र' इत्येतत् पुत्रिकापरम् " इति **भ्रान्तोक्त**मपास्तम् । **कल्पतर्वा**दिविरोधात् ।

व्युत्क्रमेणापिना समुच्चयमाह । **तदभावे इति** । तदधिकारितावच्छेदकं प्रागुक्त**मन्वादे**राह । **तत्पत्यासन्नानामिति** । पाठक्रमादार्थक्रमो बलीयानिति न्यायेनाकांक्षत्वात्तस्योभयशेषत्वाच्चाह । **शेषेष्विति** । उक्तान्यत्वादाह । **आसुरेति** ।

अत एव **मनुरपि,** (अ. ९ । १३५)

" अपुत्रायां मृतायां तु पुत्रिकायां कथं चन । धनं तत्पुत्रिकाभर्ता हरेतैवाविचारयन् ॥ " इति ।

यद्यपि,

" ब्राह्मदैवार्षगान्धर्वप्राजापत्येषु यद्वसु । अप्रजायामतीतायां भर्तुरेव तदिष्यते ॥ "

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१ केश्चित् बन्धुदत्तमित्यादिकम् अतीतायामित्यादौ योजयित्वा परिणयनानन्तरं बन्धुदत्तादिकं बान्धवा भ्रातरो गृह्णन्तीति व्याख्यातं, तद्दूषयति । अन्वयेति.

इति **मानवै**कवाक्यता मूलस्थयथाश्रुतापिना गान्धर्वसमुच्चयात्सम्भवाति तथाऽपि ब्राह्मादिषु चतुर्षु विवाहेषु अप्रजायामतीतायां तद्भर्तुः शेषेषु च 'पिता हरे'दिति **विष्णुविरोधात्** तथा नापेर्थं इति । **मानवे** गान्धर्वग्रहणं विकल्पार्थमेवेति प्राञ्चः । तद्वित्यस्यार्थः **अप्रजःस्त्रीति ।** पितृशब्दे प्राग्वदेकशेषोऽभिमत इत्याह । **माता चेति ।** तत्र क्रमोऽपि प्रागुक्त एवेत्याह । **एकेति ।**

अत एव **कात्यायनः**—

"आसुरादिषु यल्लब्धं स्त्रीधनं पैतृकं स्त्रिया । अभावे तदपत्यानां मातापित्रोस्तदिष्यते ॥" इति ।

इदमुपलक्षणमित्याह । **तदभावे इति ।** उभयाभावे यथाक्रमं उभयप्रत्यासन्नानामित्यर्थः । सर्वशेषं तृतीयपादं व्याचष्टे । **सर्वेष्वपीति ।** सर्वेष्वेवेति पाठान्तरम् । एवोऽन्यतरकोटिव्यवच्छेदे तदा ।

अत एव विवाहेष्वित्यनुवृत्तौ **विष्णुः**— "सर्वेष्वेव प्रसूतायां यद्धनं तद्दुहितृगामीति ।" मध्यपठितस्य दुहितॄणामित्यस्य काकाक्षिगोलकन्यायेनोभयत्रान्वयं मुन्यभिमतमभिसन्धाय तथैवाह । **प्रसूतेति ।** प्रसूतं प्रसवस्तदस्यास्तीति प्रसूतेत्यर्शआद्यचाऽर्थ इति भावः । तथा च दुहितॄणां प्रसूतवती चेत् दुहितॄणां तद्धनं भवतीत्यर्थः । अन्यथा तु भर्त्रादेरिति भावः ।

विशेषमपौनरुक्त्यायाह । **अत्रेति ।** श्लोके इत्यर्थः । **दुहित्रिति ।** कन्यायाः कन्या इत्यर्थः । अत्र बीजं तदेवाह । **साक्षादिति । इत्यत्र** तत्रैव । तथा सति प्रागुक्तानुरोधादिनैवात्रादितः क्रममाह । **अतश्चेति ।** तासामपि तत्त्वे चेत्यर्थः । **वृत्तायां** मृतायाम् । **दुहितरः** साक्षात् । अत्रापि तथैवेति सूचयन्प्रागुक्तमेवाह । **तत्र चेति ।** तासां मध्ये चेत्यर्थः । **अनूढा** सैव । एवमग्रेऽपि । **तत्रापि** परिणीतामध्येऽपि ।

द्वितीयपक्षोक्तोढानां प्राप्तमेवेत्याशयेनाह । **तत्र चशब्दात्प्रतिष्ठितानामिति । गौतमीये** इत्यर्थः । स्वोक्तशुल्के विशेषमाह । **एतच्चेति ।** 'मातृधनं दुहितृगामी' त्युक्तं चेत्यर्थः । **शुल्कं तु** तद्रूपं स्त्रीधनं तु । तद्दाने तद्ग्रहणस्य निमित्तत्वात्तस्य स्त्रीधनत्वम् । **भगिनीशुल्कमिति ।** व्याख्यातम् । **ऊर्ध्वमिति ।** मातुर्मरणादनन्तरमित्यर्थः । **कल्पतरु**रप्येवम् । अस्य वाक्यशेषोऽपि प्रागुक्तः । माता चात्र भगिन्येव । तथा च तद्रूपमातुरभावे दुहित्रादिषु पौत्रपर्यन्तेषु सत्स्वपि स्वभगिनीशुल्कं सोदरा एव गृह्णीयुरित्यर्थः ।

एवेन दुहित्रादिव्यवच्छेदः । तथा च तदभावे तेषाम् । एतेन ऊर्ध्वमित्यस्य सोदर्याणामभावे इत्यर्थमभिप्रेत्यादौ तेषां ततो मातुस्तदुभयाभावे पितुर्वक्ष्यमाण**बौधायनात्** तत्र हि रिक्थं शुल्कम् इति **भ्रान्तोक्त**मपास्तम् ।

ननु यदा अनेककन्यानां मृतानां वैषम्येण कन्यास्तदा तासां मातामहीधने कथं विभागकल्पनेत्याशङ्कायामनेकपितृकाणामित्यनेन पौत्राणां पैतामहधनविषये उक्तमेव न्याय्यं स्मरन्नाह । **तासामिति ।** कन्याकन्यानामित्यर्थः । अत्र वचनप्याह । **प्रतीति । वा**शब्द एवार्थे । **स्ववर्गे** दौहित्रीवर्गे । **प्रतिमातृ** मातरि मातरि । स्वस्वमातृविषये । भागविशेषस्तत्कल्पना कर्तव्या न स्वस्वरूपापेक्षयेति । इदमुक्तरीत्याऽन्यत्रापि स्थलविशेषे बोध्यम् ।

नन्वेवं भ्रातृतत्पुत्रसमवाये उक्तप्रकारस्यात्राप्यापत्तिरत आह। **दुहितृदौहित्रीणामिति।** दुहितरश्च दुहितृकन्याश्च तासामित्यर्थः। किञ्चिद्देयेत्यनेन मातृद्वारकभागकल्पनस्य सर्वथा तदभावस्य च निरासः। **तासां** प्रागुक्तकन्यानाम्। जनन्यामित्यग्रिममिदम्। अग्रे शेषे षष्ठी। **यथार्हतः** यथायोग्यम्। द्रव्यालपत्वबहुत्वादियोग्यतानुसारेण। सार्वविभक्तिकस्तसिः।

मातुरिति। अत्राभावे इति दुहितॄणामिति च यथेष्टमन्वेति। तदन्वय इति च तन्त्रेण सप्तम्यन्तं प्रथमान्तं च। भजेरन्नित्यस्य चानुवृत्तिः। तथा च मातुरभावे तद्धनं साक्षात् दुहितरो गृह्णीयुः, दुहितॄणामभावे तदन्वये दुहितृसन्तानमध्ये आदौ दुहितॄणां दुहितरस्तदभावे तदन्वयो दुहितॄणामन्वयो दौहित्र इत्यर्थः। तथा च तदन्वय इत्युक्त्या पुत्रीसन्तानरूपाणां दौहित्राणां ग्रहणम्, अन्यथा तदुक्तिर्व्यर्थैव स्यात्।

यद्वा तदन्वये इति सप्तम्यन्तपाठ एव। मातुर्धनं दुहितर आप्नुयुः, अभावे तदभावे दुहितॄणां तद्दुहितॄणां, तदभावे तदन्वये ये जाता दौहित्रास्तेषामित्यर्थः। प्रथमान्तमात्रपाठेऽप्येवम्। अग्रे यथायोग्यक्रियाध्याहारः पक्षद्वयेऽपि। तदन्वया इति प्रथमाबहुवचनान्तपाठस्तु युक्ततरः। तदाऽऽद्यैव व्याख्या च।

ननु तच्छब्देन, मातृपरामर्शः कन्याकन्यापरामर्शो वा कुतो नेति चेन्न। आशयानवबोधात्[1]। तथाहि। मातुरभावे दुहितरस्तासां दुहितॄणामभावे तदन्वय इत्येतावन्मात्रं हि मूलोक्तसमं अभिमतं स्यात्तदाऽऽद्यपक्षो भवेत्, न तु तथा। दुहितॄणां दुहितर इत्यन्यतरस्यानतिप्रयोजनकत्वापत्तेः। मूलवत्तद्विनैव निर्वाहे तत्पदाधिक्यापत्तेश्च। द्वितीये पक्षद्वयविधेयत्वेन प्राधान्यस्य द्वितीये पाठसंनिधेश्च सत्त्वेऽपि आद्ये पाठसंनिधेः पक्षद्वयेऽपि आर्थसन्निधेरवयवसंनिधेश्चासत्त्वाद्दौहित्रापेक्षया दौहित्रीसन्ततेर्विप्रकृष्टत्वात्। तदाह—

तच्छब्देन संनिहितेति। यदीयं धनं तत्संनिहितेत्यर्थः। अत एव तत्पदसार्थक्यम्। अत एवोक्त**नारदं** विहायाह। **ताभ्य इति। मूले** एवैति भावः।

" दुहितॄणामभावे तु रिक्थं पुत्रस्य तद्भवेत्। " इति **कातीयम**प्येवंपरम् इत्याशयिकैष **मनू**क्तिरिति। अत्र तत्संमतिमप्याह। **मनुरपीति। सम्बन्धं** तन्मात्रं न तु क्रमं नापि समुच्चयमिति भावः। **संस्थितायां** मृतायाम्। शब्दतः समुच्चयप्रतीतेरभिमतं **मन्वर्थ**माह। **मातृकमिति।** तत आगतमित्यर्थः। **सनाभयः** सोदर्याः।

ननु शब्दतः प्रतीयमानः परोक्त एकान्वय एवास्तु किं भिन्नान्वयेन अत आह। **न पुनरिति।** न त्वित्यर्थः। **सम्भूय** मिलित्वा। समं भजेरन्निति पाठः। सम्बन्ध इत्यस्याग्रेऽनुषङ्गः। तत्र हेतुमाह। **इतरेतरेति।** द्वन्द्वैकशेषयोरभावादित्यर्थः। इतरेतरयोगे मिलितस्यैकधर्मावच्छिन्नेतरान्वयः। मेलनं च समूहरूपता। समूह एव चेतरेतरयोगपदवाच्यः। अत एव तद्विग्रहवाक्ये चद्वयादिप्रयोगः। तेन ह्यन्योन्यस्मिन्नन्योन्यसाहित्यं गम्यते। तेन समूहरूपतासिद्धिः। अत एव। चैत्रश्च मैत्रश्च पचत इत्यादौ नित्यद्विवचनाद्यन्ताख्यातप्रयोग एव। एकैकत्वेन द्वित्वादेर्विरोधेऽपि समूहबुद्धिविषयगतनानैकत्वैरविरोधात्। तस्य प्रतीतिर्हि द्वन्द्वे एकशेषे च भवति। यथा द्वन्द्वे धवखदिरपलाशा इति, सजातीयैकशेषे वृक्षा इति, विजातीयैकशेषे भ्रातराविति भ्रातृपुत्रावित्यनेन, न तु तथा प्रकृतेऽस्ति भ्रातृभगिन्य इति अपत्यानीति भ्रातरौविति[2] वा। तस्मान्नेतरेतरयोगप्रतीतिरिति भावः।

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१ ख-आशयानुरोधात्। २ ख-क-फ-भ्रातराविति पुत्राविति वा।

ननु द्वन्द्वादेरभावेऽपि तस्य चार्थत्वाच्चस्य च एकस्य चात्र सत्त्वात्साङ्काश्यकानां पाटलिपुत्रकाणां च पाटलिपुत्रका अभिरूपतमा इत्यादाविव तत्प्रतीतिः स्यादेव, अत आह । **विभागेति ।** कर्तृत्वान्वयेनापीति पाठः । विभागे कर्तृत्वेनान्वयेनापीत्यर्थः । क्वचित्तथा पाठ एव । तथा च दृष्टान्ते प्रकारान्तरावगततात्पर्यवशान्मिथः साहित्यावगतावप्यत्रेश्वरं गुरुं च भजस्वेत्यादाविवैकस्यान्यसाहित्यान्वयेऽप्येकस्य केवलस्यैवैकधर्मावच्छिन्नेऽन्वयाच्च समभिव्याहृतस्य किञ्चित्प्राधान्यप्रतीत्यैकरूपावच्छिन्ने एकरूपेणान्वयसत्त्वात् तत्कर्तृत्वांशे समुच्चयेऽपि न तथेति भावः ।

यद्यपि क्वचिच्चद्वयसत्त्वेऽपि न तत्प्रतीतिः क्वचित्तदभावेऽपि तत्प्रतीतिर्गमकवशात् तथापि प्रकृते न तथा । अपिरुक्तरीतिसमुच्चायकः एवार्थो वा । विभागकर्तृत्वेनान्वाचयेनापीत्यपपाठः । असम्बद्धत्वात् । यत्र हि चस्य क्रियान्वयस्तत्र प्रायेणान्वाचयः । तत्र चसमभिव्याहृते आनुषङ्गिकत्वमितरसाहित्यं चै मिथः फलति । तथा च क्रिययोर्मध्ये सर्वे आद्यं च अन्यनिष्पादकयत्ननिष्पाद्यत्वम् । एवं च तद्व्याप्यम् यत्रैका मुख्याऽपरा गौणी तत्रान्वाचयविषयत्वमिति । एवं च तस्यान्यथाऽप्युपपत्तेर्न तयोः संभूयैव विभागप्रतीतिरिति भावः ।

तत्र दृष्टान्तमाह । **देवेति ।** यत्तु एवं सति ' समं स्यादश्रुतत्वाद्विशेषत ' इति न्यायत एव समत्वप्राप्तेस्तदानर्थक्यमिति तदेव तयोः सम्भूयग्रहणार्थत्वे गमकमिति भ्रातृभगिन्योस्तुल्यवज्जननीधनाधिकारित्वे समताविधानं युक्तमिति । तन्न । तत्रापि पक्षे तन्न्यायत एव तत्प्राप्त्या तदानर्थक्यस्य तदवस्थत्वात् । अत्रापि पक्षे पितृधने इव मातृधनेऽपि विंशोद्धारादिप्रसक्तिनिवर्त्तकतया तस्य सार्थक्याच्च । तदेतदभिप्रेत्याह । **समेति ।**

कल्पतरौ तु ' सर्वे पुत्रा ' इति पाठः । तथा च सोदर्या भगिन्यः साक्षात् स्वमातृदुहितरस्तु याः, तदभावे तद्दौहित्रिपर्यन्ताः, तदभावे सोदरा मृतायाः साक्षात् पुत्रा न सपत्नीपुत्राः, तदभावे पौत्रा इति **मनु**तात्पर्यार्थः । एतेन—

" स्त्रीधनं स्यादपत्यानां दुहिता च तदंशिनी । अपुत्रा चेत्समूढा तु लभते मानमात्रकम् "॥ इति—**बृहस्पतिः**—" समं सर्वे सोदर्या मातृकं रिक्थमर्हन्ति कुमार्यश्चेति ' **शंखलिखितौ** चेत्यादि सर्वं व्याख्यातप्रायम् । आद्ये—" अप्रत्ता चेत् समूढा तु न लभेन्मातृकं धनम् । " इत्युत्तरार्धे पाठान्तरम् ।

" अप्रत्ता चेत् समूढा तु लभते मानमात्रकम् । " इति वा ।

विशेषं प्रागुक्तं सूचितमेवाह । **सोदरेति ।** सहोदरेत्यर्थः । तथा च स्वपुत्राद्यभावे एव सपत्नीपुत्रादयः । विशेषान्तरमाह । **अनपत्येति । दुहितेति ।** सैवेत्यर्थः । नतु हीनजातीयः सापत्नपुत्रो, नापि ब्राह्मदैवेत्यादिप्रागव्यवहितपद्यद्वयोक्ता यथायथं भर्तृमातापितर इति भावः । **अपत्यं** तदपत्यम् । तादृग्विधो दौहित्रः ।

अत्र मानमाह । **यथाहेति ।** तथा चेति पाठान्तरम् । अत्र स्त्रिया इति पित्रेति ब्राह्मणीति कन्येति चोपादानादुक्तार्थप्रतीतिः । तथा हि पित्रा दत्तं कथमपि स्त्रिया धनं कन्या हरेदित्युक्ते स्वापेक्षयैव स्त्री स्वापेक्षयैव कन्येति स्त्रीकन्याशब्दयोर्मिथःसापेक्षशब्दत्वाभावात्सापत्नमाता सापत्न-

१ क्र—तदादाराभावेऽपि । क—फ—तदादेरभावेऽपि । २ ख—फ—भाक्तं फलति । क—भात्वं— । ३ ख—क—फ—तावतस्मात्तदभावे तद्दुहितृपर्यंता ।

दुहितेति च गम्यते इति। **तदपत्यस्येति।** ब्राह्मण्यपत्यस्येत्यर्थः। वाशब्दः व्यवस्थितविकल्पे। तेन तदभावे इति लभ्यते पूर्ववत्। **संग्रहे**ऽप्युक्तम्—

"ब्राह्मणी तु भवेत्कन्या हरेत् रिक्थं तु मातृकम्। पितुः सापत्नमातुश्च भ्रातुश्चापि हरेद्धनम्॥" इति।

"अत एव पितृपत्न्य" इति **सुमन्तु**रपि। न च सापिण्ड्याशौचमात्रविषयः सः। संकोचे मानाभावात्। विनिगमनाविरहाच्च।

अत्र न्यूनतां निराचष्टे **ब्राह्मणीति। क्षत्रियाकन्या,** सापि। तेन ब्राह्मणीसमुच्चयः। एवं शूद्रास्त्रीधनं ब्राह्मणी क्षत्रिया वैश्या च कन्या गृह्णाति इत्यपि बोध्यम्।

अत्रोत्तमजातीयाया एव सापत्नकन्यकाया धनग्रहणाभिधानाद्धीनजातीयपत्नीदुहितॄणामप्युत्तमजातीयसपत्नीपुत्रसद्भावे धनग्रहणं नास्तीति गम्यते। तथा च स्वतः प्रजाशून्यत्वात् ब्राह्मेत्याद्यव्यवहितश्लोकद्वयेन भर्त्रादेरधिकारप्राप्तौ तदपवादोऽनेन क्रियते इति तयोरयं न विषय इति भावः। अत्र कथञ्चनेत्यनेन कथमपि प्रकारान्तरेण लब्धमपीत्यर्थकेन पितृदत्तातिरिक्तसर्वसंग्रहः। तेन सर्वविषयत्वमस्य।

एतेन पित्रा दत्तमिति विशेषणाद्विवाहसमयादन्यत्रापि पितृमातृदत्तं कन्याया एव इत्येतदर्थकमिदमिति **मिश्राद्यु**क्तमपास्तम्।

रिक्थभाज इति। ये ऋणप्रतिकर्त्तारस्ते रिक्थभाज इत्यर्थेन पौत्रस्यापि तादृशत्वे पुत्राभावे स पितामहीधनभागित्यर्थः। ननु ऋणनिवारकत्वमेव तस्यासिद्धमत आह। **पुत्रपौत्रैरिति।** मूलोक्तिरियं प्राक्। **अपाकरणं** दूरीकरणम्। तथा च वचनद्वयपर्यालोचनयोक्तार्थलाभः। अथ अतीतायामित्यादिसार्धश्लोकस्य तृतीयपादरहितस्य विषयमाह। **पौत्राणामपीति।** पूर्वपूर्वोक्ता इत्यनेन क्रमः सूचितः।

यत्तु प्राच्याः—'जनन्यां संस्थितायामिति' **मनोः**, 'स्त्रीधनं स्यादपत्यानामिति' **बृहस्पतेः** 'समं सर्वे सौदर्या' इति **शंखलिखिताभ्याम्**—

"सामान्यं पुत्रकन्यानां मृतायां स्त्रीधनं स्त्रियाम्। अप्रजायां हरेद्भर्ता माता भ्राता पिताऽपि वा॥"

इति **देवलाच्च** आद्यत्रये द्वन्द्वाश्रवणेपि तत्तुल्यार्थसमुच्चयवाचकानुगतचश्रवणात्। तत्र सर्वत्र प्रथमं पुत्रोपादानात् मातृधने पुत्रस्याप्यधिकारादितरेतरयुक्तयोर्भ्रातृभगिन्योर्विभज्य तावद्धनग्रहणम्। अयमेव सर्ववचनतात्पर्यभूतोऽर्थः। **देवल**वाक्ये तु द्वन्द्वश्रवणात् तथा व्यक्तमेव।

किञ्च। कुमार्या एव सर्वमातृधनाधिकारित्वे यौतकधने **मन्वादे**र्विशेषवचनं व्यर्थं स्यात्। तथा च पुत्रकुमार्योः तुल्यवदधिकारः। तयोरन्यतराभावेऽन्यतरस्य तद्धनम्। द्वयोरपि तयोरभावे ऊढायाः पुत्रवत्याः सम्भावितपुत्रवत्याश्च तुल्याधिकारः। स्वपुत्रद्वारेण पार्वणपिण्डदानसम्भवात्। अत एव प्रागुक्तदुहित्रभावे दौहित्रस्यैव धनाधिकारः, दौहित्रोऽपीति **मनोः**। न तु वन्ध्यातादृशविधवादुहित्रोः। स्वसुतादिना पार्वणपिण्डदानाभावात्। अत एव **नारदः** (अ. १३।५०) "पुत्राभावे च दुहिता तुल्यसन्तानदर्शनात्।" इति।

पौत्रदौहित्रयोस्तु समवाये पौत्रस्यैव सः। पुत्रेण परिणीतदुहितुर्बाधात् बाधकपुत्रेण बाध्यपुत्रबाधस्य न्याय्यत्वात्। उक्तानां सर्वेषां दौहित्रपर्यन्तानामभावे वन्ध्यातादृशविधवयोरपि सः। द्वयोरपि तत्प्रजात्वात्। प्रजाया अभावे एव चान्येषामधिकारात् प्रागुक्तानि **गौतमनारदकात्यायन-**

याज्ञवल्क्यवचांसि तु उक्त**देवलादि**विरोधात् यौतकद्रव्यमात्रविषयाणि । अत एव **मनुः**—(अ. ९।१३१) "मातुस्तु यौतकं यत्स्यात् कुमारीभाग एव सः ।" इति ।

यौतकं परिणयनलब्धम् । यु मिश्रण इति धातोर्युतपदम् । मिश्रता चैकशरीरता तयोर्विवाहाद्भवति । "अस्थिभिरस्थीनि मांसैर्मांसानि त्वचा त्वचमिति" **श्रुतेः** । अतो विवाहकाललब्धं यौतकम् । **कल्पतरु**रप्येवम् ।

अत एव **वसिष्ठः**—(अ. १७ सू. ४६) "मातुः पारिणाय्यं स्त्रियो भजेरन्निति ।"

पारिणाय्यं परिणयनधनम् इति । तन्न ।

मुनीनां आशयानभिज्ञानात् । तथाहि चार्थसमुच्चयस्य सहाधिकारं विनाऽप्याख्यातोपपत्तिः तत्र तावत्कृतैव । युक्ता च सैवेत्युक्तश्च । किञ्च । उपादानमात्रेण तस्य तत्राधिकारलाभे प्रथमोपादानस्य न तत्र हेतुत्वं प्रत्युत ततः तस्य तस्याः प्रथममेवाधिकारापत्तिरिति न भवदिष्टसिद्धिः । किञ्च तदपि न, **गौतमा**दिवाक्ये तासामेवोपादानात् प्रथममेव, प्रत्युत **नारदा**दिभिस्त्रिभिः क्रमस्य स्पष्टतया सामान्येन प्रतिपादनात् 'मातुर्दुहितर' इत्यत्र युक्तश्चैतदिनोक्तप्रकारेण प्रत्यासत्त्यतिशयस्य तस्यामेव सत्त्वेन तस्यैव धनग्रहणाधिकारितावच्छेदकत्वस्य **मन्वा**द्युक्तत्वेन च तथैवोचित्याच्च ।

किञ्च । सहाधिकारित्वे उभयसत्त्वे एवाधिकारो नान्यतरसत्त्वे इति तत्रानधिकारापत्तेः । तथा सति तयोरित्याद्यग्रिमग्रन्थासङ्गतेः । न हि दम्पत्योः सह विहितमाधानादिकमन्यतराधिकारिकं कस्यापि संमतम् । लोकेऽपि सहाधिकारिकं कर्मान्यतरेण न क्रियते ।

किञ्च । अनूढेत्यस्य कुतो लाभः । न हि तेषु सर्वेषु तदुपादानमस्ति । **गौतमीयं** तु अन्यविषयतया योजितं भवद्भिरेव । अत एव च तद्विरोधोऽपि दुष्परिहरः । कन्याशब्दस्य चाक्षतयोन्यां शक्तिः, कुमारीशब्दस्य च प्रथमवयोविशिष्टायां शक्तिः । अन्यैकवाक्यतया तु दुहितृसामान्यपरत्वमेव । अन्यथा न्यूनतापत्तेः । **बृहस्पति**वाक्यं **गौतमी**यसमानार्थम् ।

किञ्च । तत्र 'अप्रत्ता चेत्' इत्युत्तरान्वयि न पूर्वान्वयि । अन्यथा समूढायाः कदाऽपि तदभावे **गौतमी**यस्य चासङ्गतिः, स्मृत्यन्तरविरोधापत्तिश्च भवति । **लिखित**वचनातिरिक्तं नापि तथाबोधकं वचनमत्रास्ति ।

किञ्च । तत्र **मनो**र्गतेरुक्तत्वेन **शंखलिखित**वाक्यस्य स्पष्टमेव तत्समानार्थत्वेन चादोषः । **बृहस्पति**वाक्यस्यापि तत्समानार्थतया, विविभक्तितया स्यात्पदघटितनिर्देशेन भवदभिमतार्थस्याक्षरमर्यादयाऽलाभेन चशब्दस्य एवार्थकत्वेन च आदौ दुहितैव तदंशिनी तदभावेऽपत्यानां पुत्राणां स्त्रीधनं स्यात् सम्भावनलिङा तत्सत्ता सम्भवेत् इत्यर्थस्यैवानया लाभाच्च अदोषः । **देवल**वाक्यं तु मातृधनं पुत्रमात्रसत्त्वे तेनैव ग्राह्यं, कन्यामात्रस्य सत्त्वे तयैव ग्राह्यम् इत्येवं समानत्वमात्रबोधकं न क्रमबोधकम्, नापि सहाधिकारबोधकमिति न दोषः ।

किञ्च । **नारदा**दित्रयानुरोधेन **मन्वा**दिचतुष्टयस्य तथा तत्परत्वमेव युक्तं, न तु मातुस्त्वित्येवं **मन्व**नुरोधेन तत्परत्वम् । तदनुरोधे तु तेषां सामान्यानां विशेषपरत्वं कृत्वा तेषां तत्परत्वे युक्तो 'बहूनामनुरोधः' इति न्यायविरुद्धत्वात् ।

किञ्च । चतुर्णां वचनानां सहाधिकारिताबोधकत्वेन तदन्यचतुर्णां **मन्वे**कवाक्यतया यौतकविषयकत्वस्योक्तत्वेन तयोरन्यतरस्याभावे इत्याद्यर्थस्य भवदुक्तस्य निर्मूलत्वापत्तिः । तेषामपि तत्त्वे त्वविरोधोऽस्मन्मते प्रवेशश्च । किञ्च । तस्य न भवदुक्तोऽर्थः किं त्वन्य एवेत्यनुपदमेव स्फुटीभविष्यति ।

किञ्च । स्वपुत्रेत्यादिहेतुरप्ययुक्तः । 'यश्चार्थहरः स पिण्डदायी'त्यौत्सर्गिकनियमसत्त्वेऽपि यस्य पिण्डदत्वं तस्यैव तद्धरत्वमिति नियमे मानाभावस्य प्रागेव प्रपञ्चितत्वात् । अत एव-"पौत्रदौहित्रयोर्लोके न विशेषोऽस्ति धर्मतः।" इति पूर्वार्धोक्ते-"तयोर्हि मातापितरौ संभूतौ तस्य देहतः।" इत्युत्तरार्धेन हेतुरुक्तो **मनुना** (अ. ९।१३९) । दुहित्रभावे दौहित्रस्यैवेत्यपि न युक्तम् । प्रत्यासत्त्यातिशयस्य तु दौहित्र्यामेव सत्त्वाद्दौहित्रोऽपीति **मनोः** प्रकरणात्पुत्रिकापुत्रविषयत्वाच्च । व्याख्यातं तथैव च **मेधातिथि**प्रभृतिभिः ।

उक्तहेतोरेव न तु वन्ध्येत्याद्यग्रिममपि न युक्तम् । भवदुक्त**नारद**स्य पितृधनविषयत्वस्य स्पष्टत्वाच्च । अत एव च पौत्रेत्यादि अधिकारादित्यन्तमपि प्रत्युक्तम् । **वासिष्ठे** 'मातुः परिणाह्यं स्त्रियो विभजेरन्निति' पाठस्य सत्त्वेन भवदुक्तपाठस्यैव खपुष्पायमाणत्वेन तथाऽर्थस्य दूरोत्सारितत्वेन "अत एव **वसिष्ठः**" इत्याद्यपि चिन्त्यम् । परिणाय्यमिति प्रयोगस्यासाधुत्वाच्च । अत एव "आनाय्योऽनित्ये" (३ । १ । १२७) "पाय्यसांनाय्य" (३ । १ । १२९) "प्रणाय्योऽसंमतौ" (३ । १ । १२८) इति निपातनं **पाणिनीयं** सङ्गच्छते । अत एव **कल्पतर्वादि**भिरपि तथा पाठं धृत्वा 'परिणाह्यं परिच्छद आदर्शकङ्कणादिरिति' व्याख्यातम् । अत एव स्त्रीपुरुषधर्मप्रकरणे— "शौचे धर्मेऽन्नपक्त्यां च परिणाह्यस्य वीक्षणम् ।" इति **मन्वे**कवाक्यताऽपि सिद्धा । तत्रापि **कल्पतरुणा** तथैव व्याख्यातम् ।णिजन्तादचो (व्या. सू. ३।१।९७) यति तु अर्थासङ्गतिः । निवृत्तप्रेषणादिति तु तस्य सत्त्वेऽगतिकगतिः ।

यदपि प्रत्यासन्नदुहितृपदेनैवान्वयपदस्यान्वयाद्दुहित्रभावे दौहित्रीणामेव स इति **नारदार्थो** न युक्तः । दुहितृपदस्य जन्यविशेषवचनत्वेन जनकाकांक्षित्वेन तस्या जात्यन्तरेणान्वयपदोपनेयपुत्रेणान्वयस्यासमत्वेनासम्भवात् । न चाधिष्ठानलक्षणयाऽन्वयः । मात्रन्वयमात्रेणैव सर्वेषां मुख्यत्वसम्भवात् । मातृपदान्वये च दुहितृपदमुख्यत्वस्य स्वीकारात् । न च तदन्वय इति तच्छब्दोपात्तदुहितुरन्वययोग्यता । तच्छब्दस्यापि प्रकृतवाचितया दुहितृत्वरूपेणैवोपपादकत्वात् । किञ्च । मूलवाक्ये दुहितर इति प्रथमान्तं ताभ्य इति पञ्चम्यन्तं च षष्ठ्यन्तान्वययोग्यान्वयपदेन नान्वेति, किं तु व्यवहितमपि मातुरित्येव । तत्र तथा निश्चये **नारदी**यादावपि तथैवाविरोधात् इति । तदपि न । प्रागुक्तस्य नारदार्थस्याज्ञानात् । मातृप्रत्यासत्तेः प्रागुक्तत्वेन त्वदिष्टप्रत्यासत्तेरभावेन दोषस्याज्ञानविलसितत्वात् । मूलसमानार्थत्वे तदन्यतरस्य तत्पदस्य चानर्थक्यापत्तेः । अत एव दुहितृपदेनास्माकं नान्वयपदान्वय एवेति सर्वथा दुहितृपदस्य इत्याद्युक्तेरयुक्तत्वात् तच्छब्दस्य प्रकृतपरामर्शकत्वेऽपि बुद्धिस्थत्वेनैव तद्बोधकतया दुहितृत्वरूपेण तदभावेनान्वययोग्यतायाः षष्ठ्यन्ततया सत्त्वेनात्र जनकाकांक्षाया अभावेन प्रत्युत सम्बन्ध्याकांक्षाया एव सत्त्वेन लक्षणायाश्चाभावेन प्रागुक्तं'न चे'त्याद्युक्तेश्चासङ्गतत्वात् । तस्मा**द्विज्ञानेश्वरो**क्तमेव युक्तमिति दिक् ।

'रिक्थं दिवं गतेषु सुतगामीति' **बौधायनीयं** तु पितृद्रव्यविषयकमिति ततो "न व्यवहितदौहित्राधिकार" इत्यपि तदुक्तं चिन्त्यमेव ।

एतेन "विवाहलब्धं स्त्रीधनं दुहितुरेव न पुत्राणाम् । तत्रैव क्रमार्थं **गौतमीयम्** । "तत्र पूर्वमनूढानां तदभावे सपुत्राणां तदभावे समूढानां दुहितॄणामिति" । सामान्यप्राप्तेऽप्रत्तानामित्यादेस्तु क्रमार्थत्वेनोपसंहारसमर्थत्वात्" इति परास्तम् । विशेषाभावात् ।

यदपि अप्रजःस्त्रीति **मूलम**पि विवाहलब्धविषयमेव । ब्राह्मादिविवाहेषु यल्लब्धं अध्यग्निधनं तत् अभावे आदौ दुहितॄणां तत्रापि प्रथमं कन्यायास्तदभावे सपुत्रायास्तदभावे ऊढायाः । सर्वदुहित्रभावे च पुत्रस्याधिकारः । अप्रजःस्त्रीधने च भर्तुरधिकारः । **बृहस्पति**नाऽप्यप्रजःपदेनापत्यान्तराभावे समूढाया अप्यधिकारः सूचित इति । तदपि न । तस्य सर्वपरतयैवाचार्येण व्याख्यातत्वात् । किञ्च । भवदुक्तव्याख्यानेऽप्यपिना तदन्यस्य सर्वस्य समुच्चयात् । न च अपिसमुच्चेयं प्रागन्यदुक्तमिति वाच्यम् । शेषेष्वितिवित्तत्राप्युपलक्षणत्वेनैव तदर्थलाभेन तत्र तस्यात्यन्तमनुपयोगात् । किंच साक्षात् दुहितृपरतया व्याख्याने मातुर्दुहितर इत्यनेन पौनरुक्त्यापत्तेः ।

यदपि "न च न यौतकमात्रधनाभिप्रायमिदं किं तु ब्राह्मादिना विवाहिताया यद्यावद्धनं यौतकमयौतकं वा तदभिप्रायकमिति वाच्यम् । तथा सति बन्धुदत्तमित्यव्यवहितप्रागुक्तसंपूर्णश्लोकस्य निर्विषयतापत्तेः" इति । तदपि न । बन्धुदत्तमित्यर्धेन तथादिशब्दस्वारस्येन स्त्रीधनस्यैवोक्तान्यस्य प्रतिपाद्यत्वेन तस्य पूर्वशेषत्वेनादोषात् । सम्पूर्णस्य तस्यैकवाक्यत्वे च तेन तस्य पूर्वशेषत्वेनोत्तरार्द्धेन सामान्येन तद्विभागस्य प्रतिपाद्यत्वेन अप्रजःस्त्रीत्यस्य तद्व्यवस्थापकत्वे तत्पदानर्थक्यापत्तेः ।

किं च **मनु**ना 'अध्यग्नीत्यादिना' षड्विधं स्त्रीधनमुक्त्वा सप्रजास्थले—(अ. ९।१९५)

"अन्वाधेयं च यद्दत्तं पत्या प्रीतेन चैव यत् । पत्यौ जीवति वृत्तायाः प्रजायास्तद्धनं भवेत् ॥"

इत्यनेन "आद्यचेनोक्तषड्विधसंग्रहो द्वितीयचेन तदन्यसर्वसंग्रहोऽन्यथा न्यूनतापत्तेः" इत्यर्थकेन तथोक्त्वा तच्छून्यस्थले ब्राह्मेत्यादिश्लोकत्रयेण व्यवस्थया तथोक्तत्वेन तद्विरोधापत्तेश्च । एतेन "यत्तु विवाहोत्तरं पितुर्मातुर्भर्तुश्च कुलात्तया लब्धं तत् भ्रातॄणामेव । तदुक्तं मूले बन्धुदत्तमित्यादिना तदवाप्नुयुरित्यन्तेन । बन्धुदत्तं मातापितृदत्तम् । तत्पुत्राश्च भ्रातर एव बान्धवाः । तदाह **वृद्धकात्यायनः**—

"पितृभ्यां चैव यद्दत्तं दुहितुः स्थावरं धनम् । अप्रजायामतीतायां भ्रातृगामि तु सर्वदा ॥"

इति । अप्रजस्त्वमात्रनिमित्तत्वेन भ्रात्रधिकारावगतेः । सर्वदा सर्वविवाहेषु । स्थावरपदाद्दण्डापूपन्यायाद्वेवान्यस्य धनस्य सिद्धिः । बन्धुदत्तपदेन कन्यादशायां यत् पितृभ्यां दत्तं तदुच्यते । विवाहात्परतो लब्धस्यान्वाधेयपदोपात्तत्वात् । विवाहकालीने च भर्तुः पित्रोर्वाऽधिकारात्" इत्यपि तदुक्तमपास्तम् । बन्ध्वादिपदस्य तत्राशक्तेश्च **वृद्धकातीयगति**स्तु वक्ष्यते इति दिक् ।

न चैवमपि मूलस्य व्याख्यानस्य च **मनु**विरोधः । **मूले** चतुर्णां विवाहानां ग्रहणम् ।

"ब्राह्मदैवार्षगान्धर्वप्राजापत्येषु यद्वसु । अप्रजायामतीतायां भर्तुरेव तदिष्यते"

"यत्त्वस्याः स्याद्धनं दत्तं विवाहेष्वासुरादिषु । अप्रजायामतीतायां मातापित्रोस्तदिष्यते ॥"

इति **मानवे** (अ. ९ श्लो. १९६।१९७) आदौ पञ्चानामग्रे त्रयाणामिति तयोर्विरोधः । व्याख्यात्रा पुनर्ब्राह्मादिषु चतुर्षु विवाहेषु । भार्यात्वं प्राप्ताया अतीताया इत्यादि व्याख्यातम् । **मानवे** तु ब्राह्मादीनां आसुरादीनां च शब्दानाम् ।

"अष्टाविमान्समासेन स्त्रीविवाहान्निबोधत ।" (अ. ३।२०) इत्युपक्रम्य— "ब्राह्मो दैवस्तथैवार्षः प्राजापत्यस्तथाऽऽसुरः ।" (३।२१) इत्यादि**मनोः** ।

"अष्टौ विवाहा वर्णानां संस्कारार्थं प्रकीर्तिताः । ब्राह्मस्तु प्रथमस्तेषाम्'' इत्यादि**नारदात्** (अ. १२।३८)

"अष्टौ विवाहा भवन्ति ब्राह्मो दैव " इत्यादि**विष्णोश्च** तत्तल्लक्षणविवाहपरत्वेऽपि वर्तमानसम्बन्धेन विवाहकाललक्षणया तेषां कालार्थतया निर्देशेन अस्याः स्याद्दत्तमित्यग्रिमस्य पूर्वत्रानुषङ्गौचित्येन तत्र तत्र काले यद्धनं दत्तमिति संम्बधेन विवाहिकधनमात्रप्रतीतेर्न तदीययावद्धनविषयत्वमिति तयोर्विरोधः ।

अत एव **यमः**—"आसुरादिषु यद्द्रव्यं विवाहेषु प्रदीयते ।" इत्यादि । विवाहक्रियायां पूर्वापरीभूतायां यत् द्रव्यं प्रदीयते इत्यादिः तदर्थः । तथा च यौतकधनमात्रविषयत्वमेव तस्य । न चैवं विवाहात्पूर्वमनन्तरं वा लब्धस्य धनस्य का गतिस्तेनानुक्तत्वादतो ब्राह्मादिपदं स्त्रीपरमिति वाच्यम् । तत्रान्यथा गतेर्वचनान्तरैः प्रतिपादितत्वात् । तेषां स्त्रीपरत्वे च एकत्वेन षष्ठ्या च निर्देष्टुमुचितत्वात् । यत्त्वस्याः स्यादितिवत् लक्षणायास्तुल्यत्वेऽपि अतिक्रान्तविवाहसंबन्धेनेदानीं सेति जघन्यायास्तस्या अनौचित्यात् । ब्राह्मादिपदस्य ऊढस्त्रीवाचकत्वं तु प्रागुक्त**मन्वा**दिविरुद्धमेवेति प्राच्योक्तं युक्तमिति वाच्यम् ।

आर्षत्वाविशेषेणैकवाक्यताया असम्भवेन विरोधाद्गान्धर्वांशे विकल्पस्वीकारेण तयोरविरोधस्य प्रागुक्तत्वात् । **मानवे** एव च गान्धर्वांशे विकल्पसंभवात् । एकवाक्यतायां दुराग्रहे तु अपिशब्दे तन्त्राङ्गीकारादावृत्त्या द्वितीयेन तेन शेषेष्वितिवदुपलक्षणत्वेन निर्वाहेण यथाश्रुतेन तेन वा तदनुरोधेन गान्धर्वस्य समुच्चयात् । ब्राह्मादिष्वित्यत्र ब्राह्मेति भिन्नं लुप्तविभक्तिकं पदम् । आदिष्विति भिन्नम् । आदिशब्दे च आकारप्रश्लेषः । स च आजशब्दैकदेशो विनाऽपि प्रत्ययमिति न्यायादिति आः आजः ब्राह्मः आदिर्येषां दैवादिचतुर्णां तदन्येषामित्यतद्गुणसंविज्ञानबहुव्रीहिणा तदन्येषां चतुर्णां लाभाच्च तत्संभवेनादोषात् । एवं प्रकारद्वये व्याख्यानविरोधस्याप्यभावात् । परं तु द्वितीये पक्षे प्राजापत्येष्वित्यत्र व्याख्याने मूलोक्तस्य अपेः शेषः तथा पाठ एव वा । तेन गान्धर्वसमुच्चयः । अग्रे च शेषेष्वासुरराक्षसपैशाचेष्विति पाठः, गान्धर्वघटितोऽपपाठ इति बोध्यम् ।

न चैवमप्यन्यथा प्रागुक्तव्याख्यानाविरोध एवेति वाच्यम् । **मनुना**—(अ. ९ । १९०)

" संस्थितस्यानपत्यस्य सगोत्रात्सुतमाहरेत् । तत्र यद्रिक्थजातं स्यात्तत्तस्मिन्प्रतिपादयेत् ॥ "

इति तन्मरणोत्तरमपि वाग्दत्तादिविषये नियोगविधिना सगोत्रात् सुतस्य उत्पादितस्य धनाधिकारित्वमनेन विधीयते इत्येवं पितृधने उक्त्वा— (९ । १९१)

" द्वौ तु यौ विवदेयातां द्वाभ्यां जातौ स्त्रिया धने । तयोर्यद्यस्य पित्र्यं स्यात्तत्स गृह्णीत नेतरः ॥ "

इत्यनेन— " यद्येकरिक्थिनौ स्यातामि " त्यौरसक्षेत्रजयोरुक्तम्, इदं त्वौरसपौनर्भवविषयम् । यदोत्पन्नौरसा मृतभर्तृकत्वाद्बालापत्यतया स्वामिधनं स्वीकृत्य पौनर्भवभर्तुः[1] सकाशात्पुत्रान्तरं जनयेत्, तस्यापि मृतत्वाद्रिक्थहराभावाद्धनं गृहीतवती, पश्चात् द्वाभ्यां जातयोः प्रौढयोस्तयोस्तादृशे स्त्रीधनविषये विवादेऽपि स्वस्वपित्र्यमेव तेन ग्राह्यं स्त्रीधनं नान्यदीयमन्यजेन " इत्यर्थकेनोक्त्वा, स्त्रीधनं तर्हि केन ग्राह्यमितिशङ्कानिरासाय 'जनन्यां संस्थितायां त्वि ' त्यनेन तद्विषये प्रागुक्तरीत्योक्त्वा, प्रागुक्तरीत्या पितृधनवच्छङ्कानिरासाय ' यास्तासां स्युर्दुहितर ' इत्यनेन प्रागुक्तरीत्यैवोक्त्वा, स्त्रीधनं कीदृशमितिशङ्कानिरासाय ' अध्यग्नी ', त्यादिना षड्विधं स्त्रीधनमुक्त्वा, षट्त्वं न्यूनसंख्याया व्यवच्छेदकं नाधिकसंख्याया इति ध्वनयन्, प्रजा स्यात्सन्ततौ जने इति कोशात्

१ क-पुनः भर्तुः सकाशात् ।

तस्य सन्ततिपरत्वेन जनन्यामिति प्रागुक्तपक्षे पूर्वं पुत्रस्तदभावे कन्या द्वयोः संभूय वा ग्रहणमित्य-सिद्धान्तसम्भावितपक्षद्वयनिरासाय कृतेन प्रजाया इति स्त्रीलिंगनिर्देशेन पूर्वं कन्यादेस्ततः पुत्रादेरिति सूचनाद्वारा न्यूनतानिरासाय जननामित्येकवाक्यतायै च चद्वयदत्तयत्पदद्वयसहितेन एवशब्दस्याग्रेऽ-न्वयेन " यत् अन्वाधेयं, प्रीतेन यत् पत्या दत्तं च चत्रान्यत्, तत् प्रजाया एव सर्वं स्त्रीधनं न भर्त्रादेः " इत्यर्थकेन—

" अन्वाधेयं च यद्दत्तं पत्या प्रीतेन चैव यत् । पत्यौ जीवति वृत्तायाः प्रजायास्तद्धनं भवेत् ॥ "

मनुः—(अ. ९।१९५)

इत्यनेनोक्त्वा, तच्छून्यस्थलेऽपि न्यूनतानिरासाय सर्वतद्धनगतिं विवाहभेदेन प्रतिपादयता यत्त्वस्याः स्याद्धनं दत्तमित्यस्य तथोपात्तस्य यथासम्भवमुभयत्रान्वेन तोश्चार्थकत्वेन क्वचित्तथैव पाठेन विवाहेष्वित्युक्त्या ब्राह्मादीनां विवाहमात्रवाचकत्वेन काललक्षणाया अप्यभावेन सतिसप्तम्या " तेषु आद्येषु सत्सु अस्या इति शेषषष्ठ्या अस्यै दत्तं च धनं स्यात् विवाहात् प्रागुत्तरं तत्र वा चेनान्यसर्वसमुच्चयस्तत्सर्वं तस्यां तादृश्यामतीतायां भर्तुरेवेष्यते, आसुरादिषु तेषु त्सु पूर्ववत् तद्धनं मातापित्रोरिष्यते न तु भर्तुः तत्रादौ मातुस्तदभावे पितुरुच्चारणक्रमात् यौगपद्ये हि पित्रोरित्येव ब्रूयात् " इत्यर्थकेन ब्राह्मदैवेत्यादिश्लोकद्वयेनोक्त्वा, तत्रैवोभयापवादत्वेनोक्तरीत्या "स्त्रियास्तु यद्धवे-द्वित्तमि " त्यनेन सर्वधनविषये उक्तत्वेनान्यथा **मनु**नाऽन्यस्यानुक्तत्वेनाध्यग्नीत्यादिवैयर्थ्यापत्त्या स्वोक्तमध्ये एव सर्वथा **मनु**न्यूनतायाः दुष्परिहरत्वेन तद्रीत्यैव व्याख्यात्राऽपि ब्राह्मादीनां विवाहमात्रवाचकत्वं न तु क्वापि लक्षणा सतिसप्तमी च भार्यात्वं प्राप्तायां इति तु फलकथनमिति आद्येषु सत्सु तस्यास्तादृश्यास्तत्सर्वं धनं भर्तुर्द्वितीयेषु सत्सु आदौ तद्वत् तद्धनं सर्वं पितृगामि आदौ मातृगामि तदभावे पितृगामि **मन्व**नुरोधादेवेत्युक्तमिति तच्छङ्काया एवाभावात् ।

अत एव **कुल्लूकभट्टे**न सर्वधनपरतयैव ब्राह्मेत्यादिद्वयादिपूर्वं च व्याख्यातम् । एतेन **मनु**विरोधाद्-प्रजःस्त्रीत्यस्य प्रागुक्ततदन्यतराभिप्रायकत्वं न युक्तमित्यपि **मिश्राद्यु**क्तमपास्तम् । द्वितीये ब्राह्मेत्या-देवैयर्थ्यापत्तेश्चेति दिक् ।

अत्र केचित् । **मनु**ना ' मातापित्रोरित्यनेनैकदेशानुमतिद्वारा शुल्कधनविषयोऽपि **गौतम-बौधायनोक्तः** सूचित इति न न्यूनता नापि विरोधः । तथा च **बौधायनः**

" रिक्थं मृतायाः कन्याया गृह्णीयुः सोदराः स्वयम् । तदभावे भवेन्मातुस्तदभावे भवेत्पितुः ॥ इति ।

सममिति पाठान्तरम् । इतोऽपि मातापित्रोरित्यादौ तथैव क्रमो विवक्षितः । गौतमस्तु प्रागुक्त एव ।

"पितृभ्यां चैव यद्दत्तं दुहितुः स्थावरं धनम् । अप्रजायामतीतायां भ्रातृगामि तु सर्वदा ॥ "

इति **वृद्धकात्यायनो**क्तं तु निर्मूलम् । समूलत्वेऽपि यथासम्भवं प्रागुक्तशुल्कविषयम् । अत एव सर्वदेत्युक्तम् । तच्च सर्वविवाहेष्वित्यर्थकम् । अतो व्याख्यात्रोक्तशुल्कविषयता नेति न तद्विरोधोऽपि । **मनु**ना तस्यैवानुक्तत्वात् ।

"बन्धुदत्तं तु बन्धूनामभावे भर्तृगामि तत् ।"

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१ ख फ-प्रागुत्तरत्र वा । २ फ-भ्रातृगामि ।

इति **कातीयम**पि शुल्कविषयमेव । बन्धूनामित्यस्य भ्रातॄणामित्यर्थात् । प्रागुक्त**देवल**वाक्ये तु पूर्वार्धवदुत्तरार्धमपि सर्वसाधारणमेहेत्याहुः ।

एतेन अतो विवाहकाललब्धस्त्रीधनविषयं ब्राह्मादिवचनम् । आसुरादिविवाहलब्धस्त्रीधनं तु जीवत्यपि भर्तरि मातुरादौ तदभावे पितुः । **मान**वेऽप्येवम् । अन्यथा पित्रोरित्येव ब्रूयात् । कन्याधने मातुरभावे पितुरधिकारश्रवणादत्रापि तथैवौचित्यात् । तथा च रिक्थमिति **बौधायनो**क्तं कन्याधनविषयकम् । न च कन्याधने इवात्रापि पूर्वं भ्रातुरधिकारापत्तिः । तद्वदत्र वचनाभावात् । पित्रोरेव तच्छ्रुतेः । तदेवमादिकमप्रजःस्त्रीधनमादौ भ्रातरो गृह्णीयुः । न त्वासुरादिविवाहेषु यत्कन्याभ्यः शुल्कदानं तदभिप्रायम्, आसुरमात्रगोचरत्वात्तच्छुल्कस्य । 'आसुरो द्रविणादानादि'त्युक्तेः । अतो राक्षसादौ शुल्काभावात्तत्साहचर्येणासुरादिष्वेव यद्धनं तन्मात्रस्य भ्रातृगामित्वाभिधानं हेयमेव । तथा तस्य स्त्रीधनत्वाभावाच्च । पित्रादिगृहीतधनस्यैव शुल्कत्वात् । तथा च **मनुः**—(अ. ३ । ५१)

"न कन्यायाः पिता विद्वान्गृह्णीयाच्छुल्कमण्वपि । गृह्णन् हि शुल्कं लोभेन स्यान्नरोऽपत्यविक्रयी"॥इति ।

पितेत्युपलक्षणम् । तेन भ्रात्रादिरपि तत् गृह्णन् शुल्कग्राही । तेन पित्रादिगृहीतमेव परं शुल्कं भवतीत्युक्तं भवति । अतो यदुक्तम् "आसुरादिष्वेव शुल्करूपस्त्रीधनसंभवात् तदेकवाक्यतापन्नयोर्बन्धुदत्तान्वाधेययोरपि आसुरादिविवाहगोचरयोरेव भ्रातुरधिकार" इति तन्निरस्तम् । किं तूक्तशुल्करूपस्त्रीधनस्य सर्वविवाहेष्वेव संभवात् सर्वत्रैव भ्रातुरधिकारो वाक्याद्विशेषानवगमात्[1] ।

प्रागुक्त**गौतमीय**मपि **कातीय**तुल्यार्थम् । अयं हि तस्यार्थः । आदौ सोदर्याणां, तदभावे मातुः । पूर्वं वैके इति परमतम् । अत आदौ सोदराणां तदभावे मातुस्तदभावे पितुस्तेषामभावे भर्त्तुरिति । तथा च **कातीयं,** बन्धुदत्तं त्विति । बन्धूनामभावे इत्यनेन भ्रातुरभावे इत्यपि सूचितम् । भ्रातुरभावे पित्रोर्धनाधिकारस्य दण्डापूपन्यायात्सिद्धिः इत्यपि तदुक्तमपास्तम् ।

तस्य सर्वविषयत्वात् । बौधायनाद्युक्तस्य शुल्कविषयत्वात् । अत एव न चेत्यादेरयुक्तत्वात् । त्वद्रीत्या **देवल**वाक्यस्य सत्त्वात् । अत एव तदेवमित्याद्युपसंहारस्यायुक्तत्वात् यथासंभवमुक्तवचनानां शुल्कविषयत्वेन न त्वासुरादीत्यादेरयुक्तत्वात् । त्वयाऽप्यग्रे किं त्वित्यादिना तथैवोक्तत्वेन अस्य "बौधायनोक्तं कन्याधनविषयकम्" इत्यस्य च तेन विरुद्धत्वात् । तस्य स्त्रीधनत्वस्य प्रागुक्तत्वात् । पित्रादिगृहीतस्यैव तत्त्वस्य **मन्वा**दितोऽलाभात् । तस्य तन्निषेधकथनद्वारा ब्राह्मादिविवाहप्राशस्त्यपरत्वात् । तत्राप्युपलक्षणत्वेन भ्रात्रादीत्यनेन मातुरपि ग्रहणसंभवेन मिथो विरोधात् । अत एवोपसंहारस्यायुक्तत्वात् । अत एवास्माकं तन्मतस्यैवाभावेन तन्निरासस्यादोषावहत्वेन अत इत्यादेरसंबद्धत्वात् । **गौतमीयकातीय**योर्भिन्नार्थत्वस्य प्रागुक्तत्वेन तुल्यार्थत्वाभावात् । उभयत्र मध्येऽध्याहारेण व्याख्यानस्य निर्बीजत्वात् । अन्यथाऽनुपपत्त्या हि सः । न तु सा तत्रास्ति । प्रागुक्तरीत्या निर्वाहात् । अत एव **कल्पतरुणा**ऽपि **गौतमीयं** तथैव व्याख्यातम् । ऊर्ध्वपदसमभिव्याहारे तथैव ऋषिशैलीसत्त्वात् । बन्धूनामभावे इत्यस्यैव तथार्थकत्वेन सूचितमित्यस्यासंबद्धत्वात् । अत एवाग्रिमोक्तेरपि क्लिष्टत्वाच्चेति दिक् ।

'मातुस्तु यौतकमिति' पुत्रिकाप्रकरणस्थ**मानव**मपि सर्वैकवाक्यतानुरोधेन सर्वधनविषयकम् । अत एव मातुर्यद्धनं स्यात्तत् तस्यां मृतायां कुमारीभाग एवेति सामान्यत एव तत् व्याख्या-

१ प-वाक्याविशेषानवगमात् ।

तम् । **मेधातिथिना**ऽपि यौतकं पृथग्भूतमित्येवं व्याख्यातं, यु मिश्रणामिश्रणयोरितिधात्वनुसारात् ।

युक्तं चैतत् । "विभागभावना ज्ञेया गृहक्षेत्रैश्च यौतकैः ।" इत्यग्रिम**मूल**वाक्ये (१५९ श्लो.) तथैव सर्वसंमतत्वात् । त्वद्दीत्याऽपि तोश्चार्थकत्वेन समुच्चायकतया सर्वधनग्रहणसंभवात् । एवं सति अन्वाधेयं चेति अध्यग्न्यध्येत्यग्रिमम् ऊढाविषयं क्रमेण दौहित्र्याद्यर्थं पुत्राद्यर्थं चेति न वैयर्थ्यं तस्य । अत एवानुरोधेनापि समञ्जसवचनानामाकुलीकरणमसंगतमेव तेषामिति दिक् ।

वस्तुतस्तु **कातीय**द्वयस्योढामात्रविषयत्वेन प्रागुक्तान्यार्थासम्भवेऽपि **बौधायनीयम्** अनूढा या वाग्दत्ता जीवन्ती अवाग्दत्ता वा तद्विषयकम् । कन्याशब्दस्याक्षतयोनिमात्रवाचकस्य साधारणतया तत्रापि प्रवृत्तेः । तदीयधनमविषयं पितामहादिदत्तमेव । वक्ष्यते चेदं व्याख्यात्राऽनुपदमेव । न तु शुल्कपरं तत् मानाभावात् । अत एव रिक्थपदोक्तिस्तत्र । तस्य दायवाचकत्ववत्सामान्यधनवाचकत्वस्यापि कोशतः सत्त्वेन तत्रापि प्रवृत्तिसम्भवात् । अत एव 'मातापित्रोरिति' **मनुना** तस्यैकवाक्यता न । तस्या विवाहविशेषविषयत्वाद्यावत्स्त्रीधनविषयत्वाच्च । **गौतम**स्यापि ऋषिसिद्धार्थस्योक्तत्वेन तदेकवाक्यताऽपि तयोर्न । तस्य शुल्कमात्रविषयत्वस्य स्पष्टत्वाच्च ।

यद्यपि **पाणिनीये** "तदस्मिन्वृद्ध्यायेति" (५ । १ । ४७) सूत्रे आयादिसाहचर्यात्संज्ञावृद्धेरग्रहणम्, उपदेति टाबन्तम्, उत्तमर्णेन मूलातिरिक्तं ग्राह्यं वृद्धिः, ग्रामादिषु स्वामिग्राह्यो भाग आयः, विक्रेत्रा मूल्यादधिकं ग्राह्यं लाभः, रक्षानिमित्तभृतिरूपो राजभागः शुल्कः, उत्कोच उपदा उपहार इत्यन्ये, शुल्कग्रहणं प्रपञ्चार्थं तस्याप्यायविशेषत्वात्, तथा च शौल्कशालिक इति 'ठगायस्थानेभ्यः' (व्या. सू. ४ । ३ । ७५) इति ठग् भवति " इत्यभियुक्तैर्व्याख्यातम् । तथापि अत्रत्यपरिभाषा भिन्नेति तात्पर्यम् । तथा च व्याख्यात्रुक्तशुल्कधनं न प्रजामात्रस्य भर्त्रादेश्च, किं तु सोदर्याणां, तदभावे मातुस्तदभावे पितुस्तदभावे तत्प्रत्यासन्नानामिति । एवं तदुक्तबन्धुदत्तमपि न प्रजामात्रस्य मात्रादेश्च, किं तु बन्धूनां भ्रातॄणां, तदभावे भर्त्रादेः । "बन्धुदत्तं तु बन्धूनामभावे भर्तृगामि तत् ।" इति **कातीया**दिति बोध्यम् ।

एवं **वृद्धकातीयस्य** समूलत्वेन तदपि जङ्गमस्थावरान्यसौदायिकधनविशेषे । अप्रजःस्त्रीधनमित्यादि सर्वविवाहेष्वादावपवादकं, तदभावे तथैव । तत्र चेन भ्रातृपितृव्यादि । एवेन भर्तृकुलव्यवच्छेदः । धनं धनं च । अप्रजायामित्यार्षम् । अत एवान्यगृहीतो 'अप्रजायामतीतायां बान्धवा' इति मूलपाठो व्याख्यात्रा त्यक्तः । **मानव**द्वयेऽपि तथैव बोध्यमिति तदाशयः । तुश्चार्थे तेन तदभावे तथेत्यस्य समुच्चयः । सर्वदा सर्वविवाहेषु । प्रजासत्त्वे तु तस्या एवोक्तरीत्येति बोध्यम् ।

"अपुत्रायां मृतायां तु पुत्रिकायां कथञ्चन । धनं तत् पुत्रिकाभर्ता हरेतैवाविचारयन् ॥"

इति **मनु**स्तु (अ. ९।१३५) भर्तुः अपूर्वधनसम्बन्धबोधकः । स च पुत्रिकाप्रकरणस्थः । संवित्कृता पुत्रिका । तदन्वितेन कथंचनेत्यनेन तथा न कृता किं त्वभिमता तस्या अपि ग्रहणम् । अत एव 'भ्रातृमतीमिति' विशेषणं तत्र सफलमित्युक्तं प्राक् ।

अत एव "अपुत्रायां कथंचन पुत्रिकायां मृतायां प्रकरणात्पैतृकरिक्थरूपतदीयधनं पितृसत्त्वेऽपि तद्भर्तैवाविचारयन् गृह्णीयात् पुत्रिकायाः पुत्रसमत्वेनानपत्यस्य पत्नीरहितस्य मृतस्य पुत्रस्येव ब्राह्मादिष्वपि पित्रादेर्धनग्रहणप्रसङ्गे तन्निवारणार्थमिदं वचनम्" इति तद्व्याख्यातारः ।

"प्रेतायां पुत्रिकायां न भर्ता द्रव्यमर्हत्यपुत्रायां कुमार्यां मात्रा स्वस्रा वा तत् ग्राह्यमिति" **पैठीनसि**स्तु निर्मूलः। समूलत्वे वा आर्षत्वाविशेषाद्विकल्पोऽस्तु। परंतु तत्रापि **मनोः** प्रामाण्यातिशयात्तदेवानुष्ठेयं न तदित्यननुष्ठानलक्षणमप्रामाण्यमेव तस्येति दिगिति बोध्यम्।

एतेन 'अस्यां यो जायते पुत्रः' इति पुत्रिकाविषयं **मानव**म्, 'इयं मे पुत्र' इति पुत्रिकाविषयं **पैठीनस**मिति। एवं 'भगिनीशुल्कमिति' **गौतमीये** "ऊर्ध्वं मातुः सोदर्याणामभावे मातुरिति" व्याख्याय तदुभयाभावे पितुरित्युक्त्वा तत्र **बौधायनी**यं मानत्वेन संलिख्य रिक्थं शुल्कमिति व्याख्याय पित्राद्यभावे तु भर्तृगाम्येवेत्युक्ते बन्धुदत्तं त्विति **कातीयं** मानत्वेन संलिख्य बन्धवः पित्राद्य इति उक्तम्। तथा स्त्रीधनविषये इत्थं व्यवस्था—तत्राध्यग्निकृतं तास्वपि कुमार्य एव लभन्ते नोढाः, मातुस्त्विति **मनोः**। तत्र यौतकं प्राच्योक्तमेव उक्त**वसिष्ठात्**। पारिणाय्यमित्यस्य स एवार्थः। स्त्रियः कुमार्यः। कुमारीवदप्रतिष्ठिताऽपि। स्त्रीधनमिति **गौतमात्**। स्त्रीधनं पैतृकं कुमारी अभावे ऊढाऽपि कन्यैव लभते न पुत्रः। गुणलोपे तु मुख्यस्येति न्यायात्, दुहितृपदसामर्थ्याच्च। एवमप्रतिष्ठिताया अभावे प्रतिष्ठिताऽपीति। अन्वाधेयं तु स्त्रीपुंनपुंसकसाधारणप्रजायाः। "अन्वाधेयं तु यद्दत्तं पत्या प्रीतेन वा पुनः।" (अ. ९।१९५) इति **मनो**रिति।

यत्तु पत्युः रिक्थत्वेन मात्रा लब्धं तत् पुत्रैर्दुहितृभिश्च समं विभाज्यम्। जनन्यामिति **मनोः**, भगिन्यः कुमार्यः सममिति **शंखलिखिताभ्यां**, समानमिति **देवला**च्च। ऊढास्तु तुर्यांशमात्रं लभन्ते, न समम्। स्त्रीधनमिति **बृहस्पतेः**। अनूढानां पितृधने इवोढानां मातृधने तथैवेत्युक्तं प्राक्।

यत्तु—

"अप्रत्तायास्तु दुहितुः स्त्रीधनं परिकीर्त्तितम्। पुत्रस्तु नैव लभते प्रत्तायां तु समांशभाक्॥"

इति, तत् अप्रत्तासद्भावेऽपि प्रत्तायाश्चतुर्थांशस्मरणात्तदभावे समांशस्य न्यायप्राप्तत्वमित्येवंपरम्।

"भगिन्यो बान्धवैः सार्धं विभजेरन्समं ततः। स्त्रीधनस्येति धर्मोऽयं विभागस्तु समः स्मृतः॥"

इति **कातीयात्**।

एतेन "भ्रातृभगिन्योः सम्भूयांशहरत्वं नास्ति इतरेतरयोगस्य द्वन्द्वैकशेषाभावादप्रतीतेः" इति परास्तम्। "चार्थे द्वन्द्वः" (व्या. सू. २।२।२९) इत्यनेन तस्य चार्थत्वात्। **देवलीये** द्वन्द्वश्रवणाच्च। यौतकभिन्ने सर्वत्र दुहितृदौहित्रीसमवाये तस्या अपि किञ्चिद्देयम्। यास्तासामिति **मनोः**। मृतमातृकाणां तु तासां "पितृतो भागकल्पना" इति न्यायात् पुत्रदुहित्रादिभिः समवाये समांशभाक्त्वमेव। दुहित्रभावे तु पुत्र एवेति। उभयत्र तदभावे तत्प्रत्यासन्नानां ग्रहणं तु "अनन्तरः सपिण्डाद्य" इत्यादि**मन्वा**द्यनुरोधेन पत्न्यादौ पूर्वं कृतेन न्यायेनोक्तम्। अनन्तर इत्यस्य सामान्यस्य उक्तौरसाद्यनन्तरमुक्त्या तन्मात्रपरत्वे तस्य सामान्यस्य वैयर्थ्यापत्त्याऽनुक्तपत्न्यादिदायपरत्वमिवैतत्परत्वमपि। तत्रानन्तर्यमपि प्रागुक्तताहशप्रत्यासत्त्यतिशयकृतमेवेति तत्क्रमेणैव तदधिकार इति न कोऽप्यग्रे दोष इति **विज्ञानेश्वरा**शयः।

विशेषवचनानि तु प्रकृतविषयेऽग्रे नोपलभ्यन्ते। पत्न्यादिविषये विद्यमानान्यपि वचनानि तदनुरोधेनैव योजितानि। तस्यैव मुख्यबीजत्वात्। एवं च—

१ क-ख-फ-सामान्यामिति।

" मातृष्वसा मातुलानी पितृव्यस्त्री पितृष्वसा । श्वश्रूः पूर्वजपत्नी च मातृतुल्याः प्रकीर्तिताः ॥
" यदाऽऽसामौरसो न स्यात्सुतो दौहित्र एव वा । तत्सुतो बान्धवस्तासां स्वस्रीयाद्याः समाप्नुयुः ॥ "

इति **बृहस्पति**रप्याधिकारिमात्रबोधको न क्रमबोधक इति तदनुरोधेनैव योज्यः प्रागुक्तरीत्या । तथा हि । औरसपदेन कन्यापुत्रयोर्ग्रहणम् । तयोः सर्वापवादकत्वात् । सुत इत्यनेन सपत्नी-कन्यापुत्रयोर्ग्रहणम्[1] । इदं च दायग्रहणांशे । स्वस्रीयो भगिनीसुतः । आद्यपदेन स्वभर्तृभागिनेय-देवरपुत्रस्वभ्रातृपुत्रजामातृदेवराणां ग्रहणम् । यथासंख्यमन्वयः । दौहित्र इत्यनेन दौहित्रीदौहित्र-योर्ग्रहणम् । औरसयोः सपत्नीपुत्रयोश्चाभावे अनयोरधिकारात् । तत्सुत इत्यनेनौरससुतोभयजन्यपौत्र-ग्रहणं, न तु दौहित्रसुतस्य । पिण्डदानांशे अनधिकारात् सर्वासामिति **मनोः** । औरसविशे-षणत्वं तु न । वैयर्थ्यात् । अन्यथा सपत्नीपुत्रसद्भावेऽपि स्वस्रीयाद्यधिकारापत्तेः । बान्धवशब्देन भ्रातुर्भर्तुर्मातुः पितुरित्यादेर्ग्रहणम् । तदभावे स्वस्रीयादयस्तत्क्रमेणैवेत्यर्थः । एवं—

" मातुलो भागिनेयस्य स्वस्रीयो मातुलस्य च । श्वशुरस्य गुरोश्चैव सख्युर्मातामहस्य च ॥
एतेषां चैव भार्याभ्यः स्वसुर्मातुः पितुस्तथा । श्राद्धदानं तु कर्तव्यमिति वेदविदां स्थितिः ॥ "

इति **वृद्धशातातपीये** पिण्डदानांशेऽपि बोध्यम् । पिण्डदत्वं न रिक्थहारित्वव्याप्यमपि तु विपरीतम् । तदप्यौत्सर्गिकमित्यादि हि प्रागेव प्रपञ्चितमिति न विस्मर्तव्यम् ।

एतेन " पुत्राभावे दौहित्रस्तदभावे दौहित्रपुत्रस्तस्याप्यभावे स्वस्रीयाद्या अविशेषेण सर्वधनभाजः । मातृष्वसेति **बृहस्पतेः** । आद्यशब्देन यस्य मातुलानी स इत्यादि । पूर्वजो-ऽग्रजः । यद्यप्यत्र पुत्राभावे दौहित्रः श्रूयते तथापि पुत्रदुहितृसद्भावेऽपि दौहित्रीणां किञ्चिद्धनसंबन्ध-श्रवणात्तदभावे सर्वधनसंबन्धस्याप्रतिबन्धान्मातामह्यवयवाधिक्येन च दौहित्रापेक्षया प्रत्यासन्नत्वाच्च दौहित्र्यभावे दौहित्रो धनभाक् । अत्राप्ययं विशेषः । यत् पितृकुलादागतं तत्स्वस्रीयाद्याः, यत् भर्तृ-कुलादागतं तद्देवराद्याः, जामाता तूभयमप्यविशेषात् " इति **भ्रान्ता**युक्तम्, एतद्वचनबला**न्मनू**क्त-त्यागेनान्यथा क्लेशेन यदधिकारप्रतिपादनं **प्राच्यानाम्**—तथा हि " तदेतेषां पुत्रादीनां भ्रात्रादि-भर्तृपर्यन्तानां चाभावे सत्स्वपि श्वशुरभ्रातृश्वशुरादिषु सपिण्डेषु भगिनीपुत्रादीनां धनाधिकारिता अनन्यगतेर्वचनात् स्त्रीणां मातृतुल्यताप्रतिपादनेनामीषां पुत्रत्वज्ञापनेन पिण्डदत्वसूचनस्य दायप्रकरणे धनाधिकारज्ञापनैकप्रयोज्यत्वात् । तत्र स्वस्रीयाद्या इति वचनात्पूर्वपूर्वाभावे सर्वशेषे देवरस्यैवा-धिकारापत्तेर्महाजनविरोध इति वस्तुबलमालम्ब्योच्यते । तत्र त्रयाणामिति अनन्तर इति पूर्वदायभाग-प्रकरणस्थ**मनोः,** पिण्डदोंऽशेति **मूलेन** च पिण्डदानेनाधिकारदर्शनात्पुत्रस्यापि सातिशयपिण्ड-दाने नरकत्राणकारणतया मुख्यत्वेनाधिकारावगतेर्मातुल इत्यादि**वृद्धशातात**पवचनेनामीषां पिण्डदानप्रतिपादनादयं पिण्डदानविशेषादधिकारक्रमः । आदौ देवरः तद्भर्तृदेयपूर्वपुरुषत्रयपिण्ड-दातृत्वात्सापिण्डत्वाच्च तद्धनाधिकारी । तदभावे भ्रातृश्वशुरदेवराणां सुतः तद्भर्तृदेयपूर्वपुरुषद्वयपिण्ड-दातृत्वात्सपिण्डत्वाच्च पितृव्यस्त्रीधनेऽधिकारी । तदभावे त्वसपिण्डोऽपि भगिनीपुत्रः तत्पुत्रदेयपित्रा-दित्रयपिण्डदानात् मातृष्वसृधने अधिकारी । तदभावे स्वभर्तृभागिनेयः पुत्राद्भर्तुर्दुर्बलवत्त्वात्तत्स्थान-पातिनोऽपि तथैव बलाबलस्यापि न्याय्यत्वात् । तद्भर्तृदेयपूर्वपुरुषत्रयपिडदानात्तत्पिण्डदानाच्च

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१ सपत्न्याः कन्यापुत्रयोरित्यर्थः ।

मातुलानीधनेऽधिकारी । तदभावे भ्रातृसुतः तत्पितृपितामह्योस्तस्याश्च पिण्डदानात्पितृष्वसृधनेऽधिकारी तस्याप्यभावे श्वशुरयोः पिण्डदानाज्जामाता श्वश्रूधनेऽधिकारीत्ययं क्रमो ग्राह्यः स्वस्त्रीयाया इति न क्रमार्थं किं त्वधिकारितामात्रपरम् । षण्णां पुनरेतेषामभावे श्वशुरादेः सपिण्डने तु कृतौ धनाधिकारो बोद्धव्यः । न च सपिण्डाभावे सतीदं वचनमिति वाच्यम् । अस्यामधिकारशृङ्खलायां देवरदेवरसुतयोर्भ्रातृश्वशुरस्य तस्यचाधिकारज्ञापनात् । आसन्नतरश्वशुरभ्रातृश्वशुरादेः परित्यागात्, इति । तच्चापास्तम् । अज्ञानप्रलपितत्वात्, दोषगणस्योक्तत्वात्, अन्यस्मृतितो **मनोः** प्रामाण्यातिशयेन प्राबल्यस्यान्यत्र प्रतिपादितत्वाच्चेति मात्सर्यमुत्सार्य विचारणीयमिति दिक् ॥ १४५ ॥

याज्ञवल्कीये १४६ श्लोकः (पूर्वार्धः) ।

प्रकृतासंबद्धत्वादाह । **प्रसङ्गेनेति** । **किंचित्**, अर्धश्लोकोक्तम् । मुख्यदानेऽपहारस्यैवासंभवादाह । **वाचेति** । **द्रव्येति** । अनुबन्धो दोषोत्पादः । दोष इति यावत् । " दोषोत्पादेऽनुबन्धः स्यात् " **इत्यमरात्** (३ । ३ । ९८)। द्वंद्वसमासः । आदिना जातिगुणयोर्ग्रहणम् । अत्रैव विशेषमाहाविरोधाय । **एतच्चेति** । दण्डनं चेत्यर्थः । चार्थमाह । **यच्चेति** । **वरेणेति** । तत्पित्रादिना वेत्यपि बोध्यम् । एवमग्रेऽपि । स्वं वरः । उपचारो व्यवहारः । व्ययमित्यस्य कर्मप्रत्ययान्तस्यार्थमाह । व्ययीकृतमिति । अत्रैव ।

(उत्तरार्धः) ।

अथेति प्रश्ने । तमेवाह । **कथञ्चिदिति** । **संस्कारात्**, पाणिग्रहणादितः । 'स्वं च शुल्कं वोढाऽर्हतीति ' **गौतमोक्ते**राह । **वर इति** । किं कृत्वेति शङ्कायामाह । **परीति** । **उभयोरिति** । कन्यादातृप्रतिग्रहीतृतत्पित्रादिभिर्विवाहोद्यतैर्वर्गद्वयस्थैर्विवाहनिमित्तं वाग्दाननिमित्तं वा यद्धनं व्ययीकृतं तत् तस्मात्कन्याधनात् गृहीत्वाऽवशिष्टं तस्मै दद्यादित्यर्थः । **विगमय्य** परिहृत्य । विगणय्येत्यपपाठः । अविरोधाय विशेषमाह । **यत्त्विति** । आदिना पितृव्यादिग्रहणम् । **दत्तं** वाग्दानसमये । ततः पूर्वं वा प्रीत्या तस्या एव स्वत्वं कृत्वा समर्पितम् । शिर इत्युभयान्वयि । पक्षान्तमाह । **वा क्रमागतमिति** । क्रमायातं वेत्यर्थः । **तदभावे इति** । सोदराभावे तन्मातुर्भवति तदभावे पितुर्भवतीत्यर्थः ॥ १४६ ॥

प्रकृतसङ्गतिमाह । **मृतेति** । **इदानीमिति** । प्रसक्तानुप्रसक्त्येति शेषः । अपिना तदन्यसमुच्चयः । **क्वचित्** । न तु सर्वत्र । मौलश्चो व्युत्क्रमे इत्याह ।

याज्ञवल्कीये १४७ श्लोकः ।

संप्रतिरोधके चेति । अन्त्यार्थमाह । **बन्दीति** । तत्पुरुषगर्भद्वंद्वगर्भो बहुव्रीहिः । **निग्रह**स्ताडनम् । सर्वशेषमाह **द्रव्यान्तरेति** । **पुनः** पश्चात् । द्रव्यलाभोत्तरम् । **अर्हतीति** । अवश्यदेयमिति नियमो नास्तीत्यर्थः । अन्यथा न देयमित्येव ब्रूयात् । निमित्तविशेषोल्लेखफलमाह । **प्रकारान्तरेति** । भर्तेत्युक्तेः फलमाह । **भर्तृव्यतिरेकेणेति** । तस्यैवोक्तनिमित्तेऽप्यभ्यनुज्ञा नान्येषामिति भावः । **जीवन्त्या इति** । मृतायास्तूक्त एव प्रकार इति भावः । **तत्** धनम् । **स्वबान्धवाः** दायादाः । **शिष्यात्** शिक्षयेत् । **नारदो**क्तिरियम् । **मानव**मप्याह । **तथेति** । तद्वदित्यर्थः । **दायादाः** पुत्रादयः । तस्मिन्मृतेऽपीति भाव. । **पतन्ति** पतिता भवन्ति । **विष्णु**रप्येवम् ।

एतेन 'विभागकाले पुत्रादयस्तं जीवति पत्यौ न भजेरन् किं तु यस्याः सोऽलंकारस्तत्पतिभागत्वेनैव देयो यथा सैव तं परिदध्यान्न तु जीवति पत्यौ यो धृतः स मृतेऽप्यविभाज्य इति । अदृष्टार्थतापत्तेः । एतेन "सर्वथाऽसावविभाज्य" इत्यपि निरस्तम् । जीवतीति विशेषणान्मृते तस्मिन्नन्येनापि ग्रहणे न दोषः " इति **भ्रान्तोक्तमपास्तम्** ॥ १४७ ॥

याज्ञवाल्कीये १४८ श्लोकः।

प्रकृतसंगतिमाह । आधिवेदनिकमिति । **तत्** सविधिप्रकारं तत्स्वरूपम् । अधीत्यादि चतुर्थ्यन्तमेकं पदम् । विन्नमित्यत्र भावे क्तः । अधि उपरि विन्नं वेदनमिति सुप्सुपेति समासः । तदस्ति यस्या इति 'अर्श आद्यच्' (व्या. सू. ५ । २ । १२७) । तत्फलितमाह । **यस्या इति** । **उपरि** योग्यतया सत्त्वे । **विवाह** ऐच्छिकः । अधिवेदनप्राप्तधनं आधिवेदनिकम् । 'तस्य निमित्तमिति' (व्या. सू. ५ । १ । ३८) ठगार्हीय इत्याह । **अधीति** । बहुव्रीहिः । तादृशविवाहान्तरमेव पूर्वस्या धर्मपत्न्या धनदाने निमित्तमिति भावः । तत्कियदित्याशङ्कायामाह । **सममिति** । तस्य सापेक्षत्वेन प्रकृतत्वादाह । **यावदिति** । **व्ययीकृतम्** । अलंकरणादिरूपेण । अत्र विशेषबोधकमुत्तरार्द्धमित्याह । **यस्या इति** । त्वर्थमाह । **पुनरिति** । साकांक्षत्वेन प्रकृतत्वादेवाह । **आधीति** । प्रकल्पयेदित्यस्यार्थमाह । **दद्यादिति** । एतेन प्रकीर्तितामित्यपपाठः सूचितः । नन्वेवं नियतसमत्वासिद्धिः, कदाचिन्न्यूनाधिकभावस्यापि संभवात् । अत आह । **अर्धेति** । किं त्वंशमात्रपर इति भावः । मौलमर्द्धपदं तु न नपुंसकलिङ्गम् । येन समप्रविभागवाचकं भवेत्, 'अर्धं समेंऽशके' **इत्यमरात्** (१।३।१६) । अपि तु पुंलिङ्गम् । अत एवांशमात्रवाचकं तत् । समत्वस्यैव हि अभिमतत्वमिति केचित् ।

वस्तुतस्तु अर्ध एकार इत्यादि**महाभाष्य**प्रयोगात् **अमरे** वा पुंसीतिपूर्वान्वयात्, अर्धः अर्धं च समेंऽशके इत्यर्थादित्युक्तलिङ्गस्यापि समांशवाचित्वेन न तत्साधकम् । अपि तु तत्समत्वस्यैव विवक्षितत्वेन तदनुरोधेनात्र तस्यांशमात्रवाचित्वं ग्रामार्ध इत्यादाविव न तु तद्वाचित्वमिति बोध्यम् । तदाह । **अतश्च यावतेति** । एतावताऽपि स्त्रीधनस्य पित्रादिधनविभागकालेऽविभाज्यत्वमेवेति न तद्बोधकवचनविरोध इति बोध्यम् ॥ १४८ ॥

याज्ञवल्कीये १४९ श्लोकः ।

महाप्रकरणशेषतया तेन सङ्गतिमाह । **एवमिति** । विभागसन्देहे सतीत्यर्थः । **अपलापे** विभागानन्तरं कालान्तरे विभागो न जात इत्येवंरूपे अन्यतरेण कृते सति । मूले प्रायो बहुवचनान्तेन द्वन्द्व इत्याह । **ज्ञातिभिरित्यादि** । तेषां बहूनामेकसाधकत्वात् पितृबन्धुभिरिति । इदमुपलक्षणमन्यद्वयस्यापि ।

वस्तुतस्तु ज्ञातिभिरित्यस्योदासीनैः सजातीयैरित्यर्थः । बन्धुभिरित्यस्य बन्धुत्रयैर्भ्रात्रादिभिश्चेत्यर्थ उचित इति बोध्यम् । अभिलेखितेत्यस्यार्थमाह । **लेख्येन चेति** । अत्र बहुत्वानुपयोगोऽनिष्ठावहं च सत्सत्त्वं प्रत्युत इति भावः । सर्वसमक्षं लिखापितमिति तदर्थः । **तथा,** तद्वत् । यु मिश्रणामिश्रणयोरित्यनुशासनानुरोधेन तदर्थमाह । **पृथगिति** । **गृहेति** । बहुवचनान्तद्वन्द्वः । **चः** समुच्चये । न्यूनतानिरासायाह । **पृथगिति** । पृथक्कृतगृहक्षेत्रादिसत्वेऽपीति भावः । **विभागधर्मेति** । दायादानां विभागरूपधर्मसन्देहे सतीत्यर्थः । अग्रे ज्ञेय इति शेषः । **भागलेख्येन,**

विभागपत्रेण । भोगलेख्येनेति पाठे समाहारद्वन्द्वः । **कार्येति** । कृष्यादिरूपेत्यर्थः । द्वितीयमाह । **भ्रातृणामिति । तथा** तद्वत् । **तेनैव नारदेनैव । प्रातीति ।** प्रतिभूत्वमित्यर्थः । **नाविभक्ता इति ।** अन्यथा करणे दण्डाद्याम्नानात्तत्समर्थानामेव तदुचितं नान्येषामितीदमपि क्रियमाणं तल्लिङ्गमिति भावः । **कथंचनेति ।**

अत एव विभक्तकल्पमपि[1] **तेनैवोक्तम्** (अ. १३ श्लो. ४२।४३)

" यद्येकजाता बहवः पृथग्धर्माः पृथक्क्रियाः । पृथक्कर्मगुणोपेता न ते कार्येषु सङ्गताः ॥ "

" स्वभागानपि दद्युस्ते विक्रीणीयुरथापि वा । कुर्युर्यथेष्टं तत्सर्वमीशास्ते स्वधनस्य वै ॥ " इति ।

' विभक्ता ह्यविभक्ता वेति ' **बृहस्पते**राशयस्तूक्त एव । उक्तरीत्याऽर्थनिर्णये पुनर्विभागमाह—

मनुः,—

" विभागे यत्र सन्देहो दायादानां परस्परम् । पुनर्विभागः कर्तव्यः पृथक्स्थानास्थितैरपि " इति । " सकृदंशो निपततीति " **मानवं** तूक्तरीत्या शक्यनिर्णयाभिगामीति केचित् । वस्तुतस्त्वाद्यं विभागे न्यूनाधिकभावांशे मिथः सन्देहाभिप्रायं, द्वितीयं निर्णयाभिप्रायं, मौलं यथास्थितं जातस्य तस्यैवान्यतरकृतापलापाभिप्रायम् । अत एव तत्र **बृहस्पतिः**—

"स्वेच्छाकृतविभागो यः पुनरेव विसंवदेत् । स राज्ञांऽशे स्वके स्थाप्यः शासनीयोऽनुबन्धकृत् ॥" इतीति बोध्यम् ॥ १४९ ॥

इति दायविभागः ।

याज्ञवल्कीये १५० १५१ श्लोकौ ।

दायान्तर्गतस्थावरान्तर्गतगृहक्षेत्रप्रसङ्गेनाह । **अधुनेति । मनू**क्तक्रमस्तु नैवाभिमतोऽस्येति भावः । एवमग्रेऽपि बोध्यम् । **विवादे** सतीति शेषः सीमशब्दो नान्तः डाबन्तश्च । स्त्रीलिङ्गौ द्वौ । ग्रामद्वयसंबन्धिक्षेत्रसीम्न इति पाठः । संबधित्वं क्षेत्रविशेषणम् । व्यस्तपाठेऽग्रेपि व्यस्त एव पाठः । युक्तं चैतत् । मूले तथैव पाठात् । विनिगमकाभावादाह । **तथैकेति ।** तद्वदित्यर्थः । एतेषामर्थान् वस्तुमादौ सर्वविधसीमानिर्णायकत्वमेतेषामिति सिद्धान्तायाकांक्षितं विशेषं मूलानुक्तमाह । **सीमा क्षेत्रादीति । सा चेति ।** विषयभेदादिति भावः । **जनपदो** ग्रामसमूहो देशः । **सा च,** चतुर्विधाऽपि । **यथासंभवमिति ।** संभवमनतिक्रम्येत्यर्थः । न नियमेन वक्ष्यमाणपञ्चलक्षणैरुपेतैव सर्वा सीमा, अपि तु क्वचिदेकेन क्वचित् द्वाभ्यां क्वचिद्बहुभिरिति । यत्र यथा प्राप्तिस्तत्र तथैवेति भावः । **वृक्षादिलक्षिता,** वृक्षादिकृता । गौण्या योगार्थमप्याह । **वृक्षादीनामिति ।** ' अत इनि ठनाविति ' (व्या. सू. ५ । २ । ११५) इनिः सर्वत्र । अत्र शुद्धतया तमप्याह । **मत्स्येति ।** तद्विना तदस्थितेः । स्वाधारेत्यनेन तन्मूलसंबन्धो दर्शितः । निधीयते इति निधानं तदेव नैधानं स्वार्थे ऽण् । तदर्थमाह । **निखातेति ।** अत्रापि गौणी वृत्तिरित्याह । **तेषामिति ।** तुषाङ्गारादीनामित्यर्थः । **निखातत्वेन,** खनित्वाऽन्तर्गुप्ततया स्थापितत्वेन । उक्तहेतोरेवाह । **निधानेति ।** भयवर्जितेत्यस्यार्थमाह । **अर्थीति ।** वादिप्रतिवादिनोः सत्यसंधत्वेन मिथो-

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१ क-विभक्तकृत्यमपि ।

ऽत्यन्तं विश्वस्तत्वेन इयं मदीया भूः इयं मदीयेति स्वस्वचित्तानुसंधानपुरःसरं मिथः संमत्या वाङ्मात्रादिनिर्मितेत्यर्थः। अत्रार्थित्वं प्रत्यर्थित्वं च प्रातिवेश्यत्वेन तद्योग्यत्वाशयेन च मत्सरग्रस्तत्वेनेति ज्ञेयम् । **ज्ञातृचिह्नेति** । ज्ञातारश्च चिह्नानि च तेषामभावे इत्यर्थः । ज्ञातारः साक्षिसामन्तादयः। चिह्नानि वृक्षादीनि ।

व्यासेन तु अन्यथा भेदानुक्त्वा विवृताः । तद्यथा—

"निम्नोन्नता च ध्वजिनी नैधानी राजकारिता । स्थिरा पञ्चविधा सीमा मत्स्यिनी तु चला स्मृता ॥
"ग्रामयोरुभयोर्यत्र गर्त्तः सीमाप्रवर्तकः । निम्नोपलक्षिता सा तु शास्त्रविद्भिरुदाहृता ॥
"शरकुञ्जकवल्मीकान्यत्र देवगृहाणि च । अश्मकूटाश्च दृश्यन्ते ज्ञेया सा तु समुन्नता ॥"
"ग्रामयोरुभयोः सीम्नि वृक्षा यत्र समुन्नताः । समुच्छ्रिता ध्वजाकारा ध्वजिनी सा प्रकीर्तिता ॥"
"इष्टकाङ्गारसिकताः शर्करास्थिकपालिकाः । निहिता यत्र दृश्यन्ते नैधानी सा प्रकीर्तिता ॥"
"तुषाङ्गारकपालैस्तु कुम्भैरायतनैस्तथा । सीमा प्रतिचिता कार्या नैधानी सा निगद्यते ॥"
"साक्ष्यभावे द्वयोर्यत्र प्रभुणा परिकीर्तिता । सामन्तानुमता सीमा सा ज्ञेया राजकारिता ॥"
"स्वच्छन्दगा बहुजला झषकूर्मसमन्विता । नित्यप्रवाहिणी यत्र सा सीमा मत्स्यिनी मता ॥" इति ।

एवमिति । उक्तप्रकारेण यथासंभवं पञ्चलक्षणलक्षितायां भूम्यामित्यर्थः । न्यूनता चांशे इति पाठः । उक्तभूविवादे षट्प्रकारत्वं **कातीय**व्याख्यानेन प्रदर्शयन्नत्रादौ प्रथमप्रकारमाह । **ममात्रेति** । प्रदेशे इत्यर्थः । निवर्तनं भूपरिमाणमादावुक्तम्[1] । द्वितीयमाह । **पञ्चनिवर्तनेति** । नेत्यग्रे किं त्विति शेषः । एवमग्रेऽपि । विवाद इत्यस्यानुषङ्गः । अंश इत्युत्तरान्वयीति तृतीयं तुर्यं चाह । **पञ्चनिवर्तन इति** । अत्र तथोक्ते अंशोऽस्ति पञ्चनिवर्तन इत्येतन्नास्तीति तृतीयपक्षं व्याख्यातृबुद्धिपरीक्षार्थं स्फुटमनुक्त्वाऽग्रिमं पक्षमेव व्यक्तीकरोति । **अंश एव नास्तीति** । अत एव संभूयोपसंहरति । **अस्तिनास्तित्वेति** । पञ्चममाह । **मदीयेति** । संततेत्यस्यैव व्याख्या **चिरन्तन्येवेति** । तथा चाभोगभुक्तिरित्यस्य प्रागविद्यमानभोगकस्य क्षेत्रादेर्भुक्तिरित्यर्थः । षष्ठमाह । **इयं मर्यादेयं वेतीति** ।

यद्वा पञ्चनिवर्त्तनो ममांश इत्यत्रैक एव प्रकारः । मदीया भूरिति तुर्यः । सीमाशब्देनोभयम् । तत्र पञ्चम इयं मर्यादेयं वेति । इयं सीमेयं वेति षष्ठः । अनेनैवाशयेन तथा सीमाविवाद इत्युक्तं **मानवे** । मर्यादायाः सीम्नश्च भेदं दर्शयिष्यति "मर्यादायाः प्रभेदे तु" इत्यत्र । तथा चात्र भेदे पूर्वत्रैक्यं तत्र भेदे सीमामर्यादयोरेकत्वेन व्यवहार इति बोध्यम् ।

यद्वा आधिक्यं, न्यूनत्वम्, अस्तित्वं, नास्तित्वम्, अभोगभुक्तिः, सीमा चेत्यमी षट् हेतवः । क्वचिद्व्यस्ताः क्वचिन्मिलिता इति । एवमुक्ताशयगर्भितमुपसंहरति । **इति षट्प्रकार एवेति** ।

नन्वेवं प्रकरणासंगतिरत आह । **षड्विति** । **श्रुत्यर्थाभ्यामिति** । यत्र साक्षात्सीमाविवादस्तत्र श्रुत्या, अन्यत्रार्थेनेति विवेकः । **अपि**ना भूसमुच्चयः । **तस्य** षड्विधभूवादस्य ।

अथ मौलं सामन्ता इत्यादि व्याचष्टे । **समन्तादित्यादिना** । सामन्तशब्दः पृषोदरादिः । ननु तत्रापि अन्यपार्श्ववर्तिनोऽन्यसीमानिर्णायकत्वं कथमत आह । **ते चेति** । आदिसंग्राह्यं प्रकटयन् अत्र मानमाह । **ग्रामस्येति** । ग्रामजातो ग्रामजनस्य सामन्त इत्यर्थः । एवं क्षेत्रादावपि । सामन्त

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१ क–भूपरिमाणादावुक्तम् ।

इत्यास्याग्रे उभयत्रानुषङ्गः । तत्र हेतुमाह । **समन्तादिति । हि** यतः । समंतात्परिरभ्य संबध्य व्यवस्थिता इत्यर्थः । यथाश्रुतेऽनुपपत्तेराह । **ग्रामादीति ।** आदिना क्षेत्रादिपरिग्रहः । **तत्स्था** इति । ते च तत्स्वामिनोऽन्ये वा । न्यूनतां निराचष्टे । **सामन्तेति ।** तस्यापीत्यर्थः । अत्रादिसंगृहीतान् दर्शयन्नुक्तार्थे संमतिमाह । **उक्तं चेति ।** निकटवर्तिनः संसक्तकाः सामन्ता इति । **तथा** तद्वत् । तत्संसक्तास्तदनन्तरस्थिता उत्तरा इति, संसक्तसक्तसंसक्ताः तदनन्तरस्थिताः पद्माकारा इति च प्रकीर्तिता इत्यर्थः । सामन्तादयस्त्रयोऽपि संज्ञाद्वयभाज इति यावत् । अत एव न सर्वनामसंज्ञाः ।

आदीति । स्थविरादय इत्यादीत्यर्थः । वृद्धत्वं पारिभाषिकमित्याह । **वृद्धादीति । तेनैव, कात्यायनेनैव । तत्कार्यमिति ।** सीमानिर्णयादिरूपं कार्यं सीमानिर्णयादिविषयकनिपुणमतित्वरूपगुणयुक्तैर्निष्पाद्यमानं यैर्दृष्टं ते इत्याद्यर्थः । यदि वाऽवृद्धा इत्यत्राकारप्रश्लेषः । **तत्र** विषये । **तन्मूलत्वात्,** सामन्तत्वस्य पूर्वस्थितत्वात् । **उपेति ।** अत्रेयं स्थितिरिति सभ्येभ्यः श्रवणमुपश्रवणम् । उपश्रवणं च संभोगकार्यं च तयोराख्यानं तेनोपलक्षिता इत्यर्थः । सीम्नि कर्षणासंभवादाह । **सीमासंनिहितेति ।**

व्याधानिति । "इमानप्यनुयुञ्जीत पुरुषान्वनगोचरान् ।" इत्यस्य पूर्वशेषः । **व्याधा** लुब्धकाः । **शाकुनिकाः** पक्षिवधजीविनः । **कैवर्ता**स्तटादिखननवृत्तयः । **मूलखानकाः** वृक्षादिमूलोत्पाटनजीविनः । **व्यालग्राहाः** सर्पग्राहिण आहितुण्डिकाः । उञ्छवृत्तयः । "उञ्छः कणश आदानं कणिशाद्यर्जनं शिलम्" इति **यादवः ।** अन्ये च वनचारिणि फलपुष्पाद्यर्थमरण्यचारिणः ।

अथ स्थलाङ्गारादि व्याचष्टे । **स्थलमित्यादि ।** निम्नभूप्रदेशस्य निम्नपदेन वक्ष्यमाणत्वादाह । **उन्नत इति । अग्नेरुच्छिष्टं** 'कोलसा' इति महाराष्ट्रभाषया प्रसिद्धम् । द्रुमाणामुक्तत्वादाह । **पाषाणादीति ।** चत्वर इत्यर्थः । "चैत्यमायतनं तुल्ये" **इत्यमरः ।** (२ । २ । ७) विशेषमाह । **एतानि चेति ।** उक्तलक्षणानीत्यर्थः । **सीमावृक्षानि**ति । तत्प्रकाशकवृक्षानेतान् तथा कुर्वीत यथा सीमेत्यर्थः । अत्रोभयत्र द्वन्द्वोत्तरपदको द्वन्द्वः ।

"पिच्छिला पूरणी मोचा स्थिरायुः शाल्मलिर्द्वयोः ।" (२ । ४ । ४६)
"अनोकहः कुटः शालः" **इत्यमरः ।** (२ । ४ । ५)

भागवते पञ्चमे तु भेदा उक्ताः—

" वनस्पत्योषधिलतात्वक्सारा वीरुधो द्रुमाः । " इति ।

पुष्पं विना फलतीति **वनस्पति**र्वटौदुम्बरादिः । फलपाकान्ता **ओषधयो** गोधूमादिधान्यानि । आश्रयेणारोहति सा **लता ।** ताम्बूलादिवल्ली तु **व्रततिः ।** लतेति तु सामान्यम् । त्वक्सारो **वंशादिः ।** विनाऽऽश्रयेणारोहन्तीति **वीरुधो** लताविशेषाः । समयेन फलन्तीति **द्रुमा** आम्रादय इति तदर्थः । गुल्मा अप्रकाण्डस्तम्बाः । " अप्रकाण्डे स्तम्बगुल्मौ " **इत्यमरः ।** (२।६।४) तृणजंघा वा । स्थलं कृत्रिमोन्नतभूभागः । कुब्जकगुल्मांश्चेतिपाठे गुल्मांशे पौनरुक्त्यमिति न स पाठः । किन्तु कुप्यकगुल्मांश्चेति । तत्र कुप्यसम्बन्धिनो गुल्माः कुप्यकगुल्माः । कुप्यमेव कुप्यकं स्वार्थे कन् । सुवर्णरजताभिन्नं ताम्रादि कुप्यम् ।

"हेमरूप्ये कृताकृते । ताभ्यां यदन्यत्तत्कुप्यम्" **इत्यमरः ।** (२ । ९ । ९१)

कुप्यकस्य मलापकर्षणवर्णोत्कर्षमिथःसंश्लेषादिषूपयोगित्वात्तत्सम्बन्धित्वम् । अत एवाधिकोपयोगित्वेन गुल्मेत्यस्य पृथक् ग्रहणमिति भेदः । एवं तु सोऽपि पाठः कथञ्चित्सुयोजः । तत्रैव पाठे प्रचुरोपयोगित्वेनादरार्थं पृथक् निर्दिष्टा इति तद्व्याख्यातारः ।

तथेति व्याख्यातम् । यद्वा तथा कृते सति सीमा न नश्यतीत्यर्थः । तडागशब्दोऽर्धर्चादिः । उदपानानि कूपाः । 'कूप उदपानं तु पुंसि वा' **इत्यमरः** (१।१।२६) । वाप्यः पाषाणादिबद्धा दीर्घिकाः । 'वापी तु दीर्घिके'**त्यमरः** (१।१।२८) । प्रस्रवणानि निर्झरादयः । **उपच्छन्नानि** गुप्तसदृशानि । सीमाया ज्ञाने । **नित्यं** सर्वदा । **विपर्ययं** वैपरीत्यम् । वीक्ष्येति पूर्वान्वयि । अन्यस्य पुनः करणे हेतुरनेन सूचितः । तान्येवाह । **अश्मन इत्यादि** । आनन्त्यादिरमन्यान्यपि सूचयन्नुपसंहरति । **यानीति** । उक्तसदृशान्यन्यानीत्यर्थः । सीमाया बोधनीयायां सन्धिषु तत्सन्धिषु नयेत् निश्चयेन प्रतिपादयेत् एतैरिति ।

मनुमात्रार्थमाह । **एतैरिति** । उभयोपसंहारोऽयमित्याह । **प्रकाशाप्रकाशेति** । सीमामित्यस्योभयत्रान्वय इत्याह । **सीमां प्रतीति** । द्वितीयस्य फलितमाह । **सीमानिर्णयमिति** । पूर्वभुक्त्या तु सततमुदकस्यागमनेन चेत्यस्य शेषो बोध्यः । अविच्छिन्नया भुक्त्या न तु त्रिपुरुषादिकया । तस्या "आधिः सीमा" इति पर्युदस्तत्वात् । ग्रामद्वयसन्धिस्थनद्यादिप्रवाहेण चेति तदर्थः ॥ ॥ १५० ॥ १५१ ॥

याज्ञवल्कीये १५२ श्लोकः ।

अथाग्रिमसङ्गतिमाह । **यदा पुनरिति** । यदा त्वित्यर्थः । सर्वथाऽसत्ताया विरुद्धत्वादाह । **विद्यमानानीति** । सन्देहे बीजं कोटिद्वयमाह । **लिङ्गालिङ्गेति** । समग्रामा इति सामन्तविशेषणं न पृथगित्याह । **प्रत्यासन्नेति** । सक्ता इत्यर्थः । चत्वार इत्यादि दिक्प्रदर्शनं न परिगणनम् । अत एव अपिः । तेन तादृशबहूपादानात्तादृशा एव समुच्चीयन्ते वाशब्दो विकल्पे इत्याह । **इत्येवमिति** । उक्तप्रकारेण । **समसंख्याः,** न तु विषमसंख्या नाप्येते एवेत्यर्थः । रक्तत्वमुभयविशेषणमित्याह । **रक्तस्रगिति** । नीलरूपवदितिवत्प्रयोगद्वयम् । मूलं तु सम्यगेव । क्षितिधारिणि इत्यस्यार्थमाह । **मूर्द्धेति** । क्षितिशब्दो विशेषपरः । धारणमपि स्थलविशेषे एव वक्ष्यमाण**मनो**रिति भावः । सीमामित्यस्य व्याख्या । **सीमानमिति** । एवं सति वाशब्दासङ्गतिं निराचष्टे । **सामन्ता वेतीति** । **साक्षिप्रत्यय इति** । "यदि संशय एव स्याल्लिङ्गानामपि दर्शने" (**मनुः** ८।२५३) । इति अस्य पूर्वशेषः । **एवो**ऽप्यर्थे । तत्र क्रममाह । **तत्रेति** । तयोर्मध्ये इत्यर्थः । **तदुक्तमिति** । **मनु**नैवेति शेषः । **चत्वार इति** । एतदादिसमसंख्योपलक्षणम् । प्रयता इत्यनेनाव्यवस्थितानां दुष्टानां तत्त्वं निरस्तम् । अत एव प्रदुष्टेषु न प्रदुष्टा इति **कातीये** उक्तम् । **स्वार्थेति** । तद्विषयेऽर्थगौरवात्तल्लोभात् दोषयुक्तेषु सामन्तेषु सत्स्वित्यर्थः । तात्पर्यार्थमुपसंहरति । **कर्तव्या इति** । **सामन्ताद्यभावे इति** । आदिना तत्संसक्तादिग्रहणम् । अनेन "सामन्तानामभावे तु मौलानां सीमसाक्षिणाम्" (अ. ८ । २५९) । इति **मानवे** सामन्तशब्दस्त्रितयपर इति सूचितम् । अत एवाविरोधः । एवमग्रिम**कातीये**ऽपि । **तेषां** साक्षिणाम् । **सामन्ताः** संसक्तादयस्त्रयः । **मौलेति** । पूर्वपूर्वाभावे परः परः । एवं च मूलं न क्रमपरमिति भावः ।

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१ क-फ-ख-भोगत्वेन । २ फ-समप्राप्ता इति ।

विशेषान्तरमाह । **एते चेति** । संसक्तादयस्त्रय इत्यर्थः । संख्या च गुणाश्च ताभ्यामाधिक्येन भवन्तीत्यर्थः । अत्र मानं **कातीयमेवाह** । **सामन्ता इति** । पूर्वं साधनं सामन्ता निर्दोषाः स्युः । उत्तरास्तु गुणान्विता द्विगुणाश्च । तृतीया अपि गुणान्विताास्त्रिगुणाश्चेत्यर्थः । द्वैगुण्यादि च प्रागुक्तचतुष्टयादितो बोध्यम् ।

विशेषान्तरमाह । **ते चेति** । स्मृत्यन्तरोक्ताश्चेत्यर्थः । **स्वैः स्वैरिति** । यज्जातीयो यस्तदीय सुकृतैरित्यर्थः । **उर्वी**, तत्खण्डम् । **तां** सीमाम् । समञ्जसमिति क्रियाविशेषणम् । नयेयुरिति बहुवचनादेकस्य द्वयोश्च तन्निर्णेतृत्वं न स्यादत आह । **नयेयुरितीति** । अत एव मूलादौ चत्वार इत्यादौ चोक्तम् । एवं च तत्रापि तदेकवाक्यतया समा एव ग्राह्या न विषमा इत्यर्थः । **भूमिं** तत् खण्डम् ।

अव्यवहितैतत्प्राग्वर्ति**नारद**विरोधमेव तस्य परिहरति । **योऽयमिति** । **प्रत्ययो** विश्वासः **अस्य** सीमानिर्णयरूपस्य । **उभयेति** । अर्थिप्रत्यर्थीत्यर्थः । अत एव **बृहस्पतिरपि**—

" ज्ञातृचिह्नविनाशे तु एकोऽप्युभयसम्मतः । रक्तमाल्याम्बरधरो मृदमादाय मूर्द्धनि ॥

" सत्यव्रतः सोपवासः सीमां सन्दर्शयेन्नरः । " इति ।

विशेषान्तरमाह । **स्थलादीति** । **साक्षिसामन्तादीनां** तेषामेव न तु अन्येषाम् । **नारदीयं** व्याचिख्यासुरादौ सन्दिग्धतया समासपूर्वकं पदार्थमाह । **निम्नगयेति** । भावे क्त इत्याह । **अपहरणेनेति** । निम्नगयेत्यस्योत्सृष्टादौ कर्तृत्वेनान्वयः । अत एव ' न लोकेति ' (व्या. सू. २ । ३ । ६९) निषेधात्तत्र षष्ठी न कृता । अपहरणस्य तत्र करणत्वेनान्वयः । उत्सृष्टानीति पाठः । अत एव यथार्थमाह । **स्वेति । कल्पतरौ** तु उत्सृष्टेति पाठो धृतः । अर्थः स एव । यौगपद्यासम्भवादाह । **नष्टानि वेति** । फलितार्थोऽयम् । समासस्तु द्वन्द्वगर्भो बोध्यः । भूमिपदं प्रकरणाद्विशेषपरमित्याह । **मर्यादेति** । अत्र वाक्ये उपायत्रयम् उक्तम् । तत्राद्यस्वरूपं विविच्याह । **तत्रेति** । तेषां त्रयाणां मध्ये इत्यर्थः । तत्पदेनोत्सृष्टादिचिह्नपरामर्शस्तदाह । **उत्सृष्टेति** । प्रार्थमाह । **प्राचीनेति** । द्वितीयस्वरूपमाह । **ग्रामादिति** । दण्डः परिमाणविशेषः प्रागुक्तः । प्रदेशानुमानाच्चेति **चो** वार्थे उभयत्रान्वयीत्याह । **प्रमाणाद्वेति** । तृतीयस्वरूपमाह । **प्रत्यर्थीति** । एतत्समक्षं कदाऽपि विप्रतिपत्तिमप्राप्ताया इत्यर्थः । "समुन्नयेयुः सीमानम्" इत्यनुवृत्तिमभिप्रेत्याह । **निश्चिनुयुरिति** । **मनु**रप्येतद्विषयकः प्रागुक्त एव, **पूर्वभुक्त्या त्विति** । **बृहस्पतिना** चेति चस्त्वर्थे । एवमग्रेऽपि । **अत्र** परमप्रकृतसाक्षिसामन्तादिविषये सीमानिर्णये वा । आगमादिस्वरूपं प्रागुक्तम् । तेऽत्रेति पाठः । साक्षिपदं सामन्तादीनामप्युपलक्षणम् ।

विशेषान्तरमाह । **एते चेति** । **ग्रामेयकेति** । ग्रामेयका ग्राम्यजनाः । कुलानि पूगश्रेणीकुलानीत्युक्तानि । एतेषां समक्षमित्यर्थः । यद्वा ग्रामेयका ग्राम्यजनास्तेषां कुलानि समूहाः तेषामित्यर्थः । **सीम्नि** विषये । एवमग्रेऽपि । ये साक्षिणस्ते तानि प्रष्टव्या एव । द्विकर्मकोऽयम् । गौणे कर्मणि तव्यः । विवादिनोस्तयोश्च, समक्षमित्यस्यानुषङ्गः । सीमसाक्षिण इति पाठान्तरम् । **निबध्नीयात्** पत्रे लेखयेत् । **तान्स** । **न्** साक्ष्यादीन् । **चेन** सकललिङ्गसमुच्चयः ।

मूलं सङ्गत्याऽवतारयितुं विशेषान्तरमाह । **एतेषां चेति** । **राजेति** । राजिकं दैविकं च दुःखमित्यर्थः । अत्र मानमाह । **अयं चेति** । **चस्त्वर्थे** । **कोशः** प्रागुक्तः । ' त्रिपक्षेति ' बहुव्रीहिः । यथासंख्यमन्वयः । आर्षत्वात्साधुत्वमस्य । पूर्वनिपातानियमो धर्मादित्वात् ॥ १५२ ॥

याज्ञवल्कीये १५३ श्लोकः । (पूर्वार्धः)

एवं सति सङ्गत्या मूलमवतारयति । **यदा त्विति** । **अमीषां** साक्ष्यादीनाम् । साक्ष्यं च वचांसि च तान्युक्तानि यैरित्यर्थः । त्रिपक्षशब्दः पात्रादिः । अभ्यधिकौ संख्यागुणौ यत्र तानि, साक्ष्यन्तरेति पाठः । **विरुद्धवचनतेति** । वादिनिर्दिष्टसाक्ष्यादीनाममीषामिति भावः । **ते** वादिनिर्दिष्टसाक्ष्यादयः । राहूपरागे इतिवत्सप्तमीत्याह । **निमित्तेति । सर्वे** पार्श्वस्थाः । पृथगर्थमाह । **प्रत्येकमिति** । पञ्चशतशब्दे बहुव्रीहिः । तत्परिच्छिन्नपणेनेत्यर्थः । एवमग्रेऽपि । ननु 'अनृते तु' इति सामान्योक्तस्य सामन्तमात्रविषयतैव कथं अत आह । **सामन्तेति** । तन्मात्रेत्यर्थः । **यथोक्तेन** यथाशास्त्रोक्तप्रकारेण । सर्वार्थमुक्तस्य **नारदो**ऽपीत्यस्य ल्यबन्तस्पर्शपूर्वकमुक्तवानित्यत्रान्वयः । सर्वे इत्यस्य मध्यमणिन्यायेनोभयत्रान्वयः । मध्यमेति कर्म । **दण्ड्या** ग्राह्याः । ग्रहणार्थोऽत्र दण्डिर्न तु निग्रहार्थः । व्यापारद्वयार्थत्वेन द्विकर्मकताऽस्य । एवं मूलेऽपि । अग्रेऽपि च । **शेषाः** सामन्तभिन्नाः साक्ष्यादयः भूसीमानिर्णये प्रेरिताः । **जघन्याः** दुष्टाः । **विनेयाः** दण्ड्याः । **तमेव** प्रथमसाहसाख्यमेव । **दण्डगत्या** दण्डशास्त्रोक्तरीत्या दण्डज्ञानेन । **नारद** एवायम् । **नारदो**क्तादिसंग्राह्यमाह । **आदिशब्देनेति । साक्षादिति** । अधार्मिकत्वात् । तथा च तत्र दण्डस्य नोपयोग इति कथं तेषामादिना ग्रहणमिति भावः ।

विशेषान्तरमाह । **अनृते त्विति । इत्येतदिति** । इत्यारभ्य यत् **मूलमनुनारदादि** प्रदर्शितमित्यर्थः । अत्र हेतुमाह । **बहूनां त्विति** । निर्णेतृत्वेन समाश्रितानां बहूनां साक्ष्यादीनां मध्ये यदि सर्वेऽपि साक्ष्यादयः प्रत्येकमुक्तहेतुतो निर्णयं न कुर्युरित्याद्यर्थः । अत्र भयाद्वा लोभाद्वेति हेतूक्त्याऽस्य ज्ञानविषयत्वं स्पष्टमेव । तदाह । **ज्ञानेति** ।

विशेषान्तरमाह । **तथेति** । किं चेत्यर्थः । तद्वदित्यर्थो वा । **अयमेव** उत्तमसाहसाख्य एव । **तेनैव कात्यायनेनै**व । एवमग्रेऽपि ।

विशेषान्तरमाह । **एवमिति** । उक्तप्रकारेणेत्यर्थः । आदिना ज्ञानग्रहः । अत्र मानमाह । **अज्ञानोक्ताविति** । " ज्ञानेन हि विमुच्यन्ते सामन्ता निर्णयं प्रति " । इत्यस्यादिः । यत इत्यादिः । **संमिश्र्य** संमिश्रीकृत्य ।

(उत्तरार्धः)

मूलमवतारयति **यदेति** । ज्ञातृचिह्नानामिति द्वंद्व इत्याह । **ज्ञातॄणामिति** । चिह्नानामित्यस्यार्थो **लिङ्गानां चेति** । उक्तहेतोरेवाह । **राजैवेति** । यथाश्रुते बाधादाह । **प्रवर्तयितेति** । तदुपपादयति । **अन्तरिति** । व्यासारद्वयार्थत्वं तस्येति भावः । तत्प्रकारमाह । **ग्रामेति** । 'समं स्यादिति' न्यायेनाह । **सममिति** । तत्र विशेषमाह । **यदेति** । विवादास्पदीभूतायां भुव्यन्यतरस्य ग्रामस्याधिकोपकारसंभवे यावत्युपयुक्ता तावती सर्वाऽपि तस्य देयेत्यर्थः । **सा**[illegible] । लिङ्गाद्यभावेन परिच्छेत्तुमशक्यायां सीमायां धर्मज्ञान्यासंभवाद्राजैव स्वयं पक्षपातरहितः सन् येषामुपकारातिशयस्तेषामेव ततः प्रदिशेन्निर्दिशेदित्यर्थः ॥ १५३ ॥

याज्ञवल्कीये १५४ श्लोकाः ।

उत्तरसंगतिमाह । **असत्यामिति** । तत् तादृक् स्वरूपमस्यास्तीति तद्वत् । तद्वतो भावस्तद्भावस्ततो नञ्समासस्तस्य याऽऽशंका तस्यामसत्यामपीत्यर्थः । **अस्याः** वक्ष्यमाणायाः । अयं

भावः । 'अतिदेशो ह्यधिकमाकांक्षते' इति **जैमिनीय**न्यायेन यत्राधिका शङ्का तत्र पूर्वोक्तविषयसादृश्याप्रतीतेस्तद्वद्भावाभावेनातद्वद्भावाशङ्कायां पूर्वोक्तवदेतदपीत्यतिदेशो वाच्यः । यथाऽऽहिताग्नेः पिण्डपितृयज्ञं विधाय एवमनाहिताग्नेरिति तस्यातिदेशः । प्रकृते तु 'सीम्नो विवाद' इत्यादिना यो न्याय उक्तः क्षेत्रादिसीमायां तस्य आरामादेस्तस्यामत्यन्ततुल्यत्वेन संभवेन तेष्वतिदेशानपेक्षत्वेनारामेति वक्ष्यमाणवचनं निष्फलं यद्यपि तथापि न्यायप्रभवाण्यपि वचांसि सन्तीति शिष्यबोधार्थमुक्तन्यायसिद्धार्थमपि विषयान्तरेषु वचनेनातिदिशतीति ।

तदर्थभूतनिवेशनमेव विशदयति । **पलालेति । कूटं** समूहः । **आदिना** तृणान्तरकाष्ठादिपरिग्रहः । न्यूनतां निराचष्टे । **ग्रामेति । चो** व्युत्क्रमे, तदुपलक्षणार्थमपि । यद्यपि "आहावस्तु निपानं स्यादुपकूपजलाशये ।" **इत्यमरेणो**क्तम् (१।१०।२६) । तथाप्युपलक्षणत्वेनाह । **पानीयेति** । प्रभृतिना तस्यापि ग्रहणम् ।

एवं पदार्थानुक्त्वा वाक्यार्थमाह । **एतेष्विति** । अग्रिमं स्वतन्त्रमित्याह । **तथेति** । प्रवहशब्दो भयादित्वात्साधुः । 'केदारो वप्रमस्त्रियाम्' (२।२।३) । गृहं सामान्यम् । यद्यपि 'प्रासादो देवभूभुजाम्' **इत्यमरः** (२।२।९), तथाप्यत्र तयोः पृथगुक्तेः प्रासादो महागृहम् । प्रसादोऽपि । उभयत्राधिकरणे घञ् । आङधिक आद्ये । **आवसथं** अग्निमत् गृहम् ॥ १५४ ॥

याज्ञवल्कीये १५५ श्लोकः ।

तथाशब्दः समुच्चये । सीमातिक्रमणं तामुलंघ्य गमनं न विवक्षितं दण्डविशेषोक्तेरित्याह । **कर्षणे इति** । तथार्थमाह । **चेति** । वक्ष्यमाण**मनो**राह । **भयादीति** । यथासंख्यमन्वय इत्याह । **यथेति** । अत्राप्यार्षत्वात्साधुत्वम् । एवमन्यत्रापि बोध्यम् । न्यूनतानिरासायाह । **क्षेत्रेति** । वचनात्तस्यापि ग्रहणम् । सामान्योक्तेर्विशेषपरतया योजनफलमाह । **यदा पुनरिति । भीषयेति** भीषां भयमन्यस्मादुत्पाद्य तया हरन्नित्यर्थः । इदमुपलक्षणं लोभस्यापि । अत एव भयादीत्यादावुक्तम् ।

विशेषान्तरमाह । **अपह्रियमाणेति** । तस्यां दशायामेव तत्सत्त्वादाह । **कदाचिदिति** । अपिना तस्यापि समुच्चयः । **आह मनुः । उत्तमसाहसे** विषये । **इतीति** । वधादिरूपो दण्ड उक्तः इत्यर्थः । तथा च साहसं तदेवोत्तमं यत्रैतदन्यतम इति भावः । अन्यत्प्राग्व्याख्यातम् ॥ १५५ ॥

याज्ञवल्कीये १५६ श्लोकः ।

परभूमिमिति पूर्वान्वयीत्याह । **परकीयामि**ति । जलप्रवाहेति पाठः । नेदं सार्वत्रिकमित्याह । **स इति** । त्वर्थमाह । **चेदिति** । अल्पेत्यस्यार्थ **ईषदिति** । कल्याणेत्यस्यार्थो **बह्विति** । प्राग्वदेवाह । **कूपेति । चः** प्राग्वत् । द्वितीये विशेषणसूचितं विशेषमाह । **यदा पुनरिति । असौ** कूपादिः । **तोयेति** । यत्राधो जलप्रवाहः स **खेयः** । तत्रोपर्येव खनित्वा काष्ठाद्यारोपणात् । यत्र सर्वात्मना जलनिरोध एव स बन्धनीयत्वात् **बन्ध्य** इत्यर्थः । अत एव तेनैवोक्तम्, (अ. ११ श्लो. १९)

"नान्तरेणोदकं सस्यं नाशश्चात्युदके भवेत् । य एवानुदके दोषः स एवात्युदके भवेत् ॥"

इति । **पूर्वेति** । पूर्वस्थितमित्यर्थः । स्वामिनीत्यग्रेऽध्याहारापकर्षाभ्यां तद्दंश्यमामन्त्र्येत्यादेः सम्बन्धः । तद्वंश्ये **मानवे**ऽपि । **पुनः** तु मृते राजानमित्याद्यन्वयः । अन्यथा द्वितीयपादानर्थक्यं स्पष्टमेव ॥ १५६ ॥

याज्ञवल्कीये १५७ श्लोकः ।

सङ्गतिमाह । **क्षेत्रेति** । अनिवेद्येत्यस्य लाक्षणिकमभिमतमर्थमाह । **अनभ्युपगमस्येति** । यथाश्रुते तु विरोधः स्पष्ट एव । न्यूनतां **नारदतः** प्राप्तां निराचष्टे । **तदभावे इति** । आर्षत्वात्कर्मणि चतुर्थी । अर्थादाह । **परक्षेत्रेति** । लिङर्थोऽविवक्षित इत्याह । **प्रवर्तयतीति** । फलितार्थमाह । **तस्मादिति** ॥ १५७ ॥

याज्ञवल्कीये १५८ श्लोकः ।

व्यवहितसङ्गतिमाह । **क्षेत्रस्वामिनेति** । **तस्यैव** क्षेत्रस्वामिन एव । **प्रसक्तेति** । प्रस्तुतसीमानिर्णयप्रसक्तमर्यादाप्रभेदनादिदण्डानुप्रसक्तिः तन्निषेधकक्षेत्रस्वामिदण्डे तयेत्यर्थः । स्वामिसम्बन्धि क्षेत्रं, तत्सम्बन्धात्क्षेत्रगतविचार इति भावः । **क्वचित्**, न तु सर्वत्र । **विध्यन्तरम्** अन्यविधिम् ।

अङ्गीकारं विना तदसम्भवादाह । **क्षेत्रस्वामिपार्श्वे इति** । योग्यतया आदौ द्वितीयपादार्थमाह । **पश्चादिति** । आद्यपादार्थमाह । **तच्च क्षेत्रमिति** । अपिसूचितमाह । **यद्यपीति** । आङः फालादेश्चार्थानाह । **ईषदिति** । तत्फलितमाह । **नेति** । स प्रदाप्यः कृष्टफलमिति पाठेनाह । **तस्येति** । ईषत्कर्षणात्कृष्टार्थमाह । **अकृष्टस्येति** । स इत्यस्यार्थमाह । **असाविति** । प्रदाप्य इत्यस्यार्थमाह । **दापनीय इति** । कृष्टशदमिति पाठेऽपि शदशब्देन फलमेव ।

एतेन " तं प्रदाप्याकृष्टशदमिति तमकृष्टशदं प्रदाप्येत्यन्वयः । अकृष्टशदमिति व्याचष्टे तस्याकृष्टस्य फलमिति " इति [illegible] । असंबद्धत्वात् व्याख्यानविरोधाच्च ॥ १५८ ॥

॥ इति सीमाविवादः ॥

अथ स्वामिपालविवादप्रकरणम् ॥ १० ॥

याज्ञवल्कीये १५९ श्लोकः ।

व्यवहिताव्यवहितसङ्गत्यभावेऽपि महाप्रकरणसङ्गतिमाह । **व्यवहारपदानामिति** । **क्रमः मनूक्तः** । अर्थादाह । **परेति** । इदं सर्वविशेषणं यथासम्भवम् । **तदर्धमिति** । समांशवाचित्वेऽपि पाक्षिकषष्ठीतत्पुरुषः । अजाविकमिति समाहारद्वन्द्वः पाक्षिक इत्याह । **अजा इति** । असङ्गतिं परिहरति । **भक्ष्यादीनामिति** ।

अग्रिमोपयोगिनं विशेषमाह । **माषश्चेति** । एवमग्रे सर्वत्र बोध्यम् । **ताम्रिकेति** । ' ताम्रिकः कार्षिकः पणः ' इति **मूल्याध्याये कात्यायनेन** द्विरुक्तेः । **मूले**ऽपि उक्तत्वाच्च । इदं सर्वं मूल्याध्यायविवरणे मत्कृते स्पष्टं तत एव बोध्यम् । **विंशतिम** इत्यार्षम् । **कातीयमाह** । **पणस्येति** । गां प्रति द्वौ पादौ पणस्यार्धभागो दण्डः महिषीं प्रति तद्विगुणं सम्पूर्णः पणो दण्डः । अजादीनां तु पणस्य चतुर्थो भागो दण्ड इत्यर्थः । अत्र दण्डाधिक्यादेव ज्ञानविषयतेति गम्यते । अन्यथा विरोधापत्तेः । अन्यविरोधं परिहरति । **यत्पुनरिति** । तथाशब्दः उभयत्र समुच्चये सादृश्ये वा । **तत्पुनरिति** । दण्डस्य न्यूनत्वात् ॥ १५९ ॥

याज्ञवल्कीये १६० श्लोकः ।

उक्तहेतोरेवाह । **अपराधेति** । उक्ते सर्वत्र । स्वयमित्यादिः । **क्वचित् नारदा**द्युक्तभिन्न-विषये । **यथोक्तादिति** । अज्ञाने 'माषानष्टाविति' **मूलो**क्तात् । **द्विगुणो दण्डः** ज्ञान-पूर्वके परसस्येति **कातीयात्** द्विगुणो दण्डः, अज्ञानपूर्वके तादृशे **नारदो**क्तात् द्विगुण इति विवेको बोध्यः । अत्र मानं **कातीयमे**वाह । **वसतामिति** । सवत्सानामिति भावः ।

आहेति । यथाक्रमं पादाभ्यामिति भावः । विवीत इति व्याप्त्यर्थस्य वीधातो रूपम् । विशेषेण वीतं व्यापनं तृणादेर्यस्मिन्निति व्युत्पत्तेः । तदाह **प्रचुरेति** । अत एव **रक्ष्यमाण इति** । अत एव **परिगृहीत इति** । तस्य स्वरूपतो निमित्तत्वादाह । **तदुपघात इति** । **इतरेति** सस्येत्यर्थः । 'वृक्षादीनां फलं सस्यम्' **इत्यमरः** (२ । ४ । १५) । योग्यतयाऽऽह । **विद्यादिति** । महिषी-साम्यं वैवक्षिकमाह । **महिषीति** । यत्र क्षेत्रे पादशो यत्परिमाणो दण्डस्तस्या विहितस्तत्र तादृशेनैव तत्समेनैव दण्डेन खर उष्ट्रश्च तथैव स्वापराधे दण्ड्यो न तु विशिष्टमुभयमपीत्यर्थः । ननु समाहारद्वन्द्वात्तथैवोचितं अतोऽत्र हेतुमाह । **सस्योपेति** । तयोस्तन्नाशकत्वे प्रत्येकं तयोस्त-त्तुल्यत्वादित्यर्थः । आहारार्यंशेऽत्यन्तभेदाभावादिति भावः । ननु वचनात् तथैव कुतो न अत आह । **दण्डस्य चेति** । नन्वेवं कथं समाहारोऽत आह । **खरोष्ट्रमिति** । अत एव पूर्वं स्वयमितरेतरयोगः कृतः ॥ १६० ॥

याज्ञवल्कीये १६१ श्लोकः ।

गोस्वामिनः गवादिस्वामिनः । क्वचित् स्वामिन इत्येव पाठः । **दण्डः**, राजग्राह्यः । न्यूनतानिरासायाह । **सस्यग्रहणमिति** । अत एव विवीतस्यापि ग्रहणम् । तदेवाह । **यस्मिन्निति** । व्यवस्थार्थमाह । **एतावतीति** । फलितार्थमाह । **तत्क्षेत्रेति** । **न फलमिति** । एतद्वैलक्षण्यबोधक एव **तुः** । नन्वेवं धनदण्डोऽपि तस्य वचनान्न स्यात्, अतोऽपवादं क्वचिदाह । **गोपस्य चेति** । अत एव न फलमित्येव प्रागुक्तम् । क्वाचित्कत्वमेवाह । **पालेति** । गोपालेत्यर्थः । स्वदोषेणेति यावत् । पालनं पालः तद्दोषेणेति वाऽर्थः । अत्र मानं **कातीयमाह** । **येति** । **नष्टा** अदर्शनं गता स्वामिनः ।

तुर्यपादं व्याचष्टे । **गोमी पुनरिति** । 'गोमी गोमान्' **इत्यमरः** (२ । ९ । ६८) । 'ज्योत्स्नातमिस्रेति' (५ । २ । ११४) सूत्रेण निपातितोऽयम् । अत्रापि तुशब्दसूचितमाह । **दण्डमेवार्हति न ताडनमिति** । फलांशे तु तुल्यतैवेत्याह । **फलेति** ।

विशेषमाह । **गवादीति** । **मध्यस्थेति** । सामन्तादीत्यर्थः । तस्य पृथक् तदभावादाह । **क्षीतप्रायेति** । **गोभिरिति** । गोभिस्तदादिभिर्भक्षितं सस्यं यः क्षेत्रस्वामी प्रतियाचते परावृत्त्य याचते तस्मै, सामन्तादिपरिकल्पितं यत् तत्र क्षेत्रे वापितं तावद्धान्यं तदुत्पाद्यं तदादि तन्मूल्यं वा देयं, भक्षितावशिष्टं पलालं तदादि तृणबुसादिकं शेषे षष्ठी गोस्वामिने देयम् । 'यो नर' इति सामान्योक्तं विशेषाकांक्षायामर्थप्रकरणसिद्धमपि विशेषं स्पष्टीकुर्वन्नन्यग्राह्यत्वभ्रमाभावाय विशदयति । **धान्यमिति** । यद्वा खलस्थलेऽप्येवमित्याह । **धान्यमिति** । वैशब्दः निश्चये । तस्मात्क्षेत्रस्वामिना सर्वथा तन्नाहर्तव्यमिति तात्पर्यार्थः ॥ १६१ ॥

याज्ञवल्कीये १६२ श्लोकः ।

अपवादमिति । उभयोरपि प्रागुक्तसर्वापवादमित्यर्थः । अन्तशब्दः समीपवाची त्रयाणां द्वन्द्वोत्तरं षष्ठीसमासः । अथवा षष्ठीतत्पुरुषोत्तरपदकद्वन्द्वगर्भः सः । सर्वव्याख्यात्रभिमतोऽत्र द्वितीय एव । तदाह । **मार्गेति ।** पथि मार्गेत्यपपाठः । आद्ये ग्रामविवीतेत्यत्र ग्रामसमीपवर्तीनि विवीतसमीपवर्तीनि च क्षेत्रे चेत्यर्थः । द्वितीये ग्रामसम्बन्धि यद्विवीतं तत्समीपेत्याद्यर्थः । ग्रामाद्बहिर्यो गवादिस्थित्यर्थो भूप्रदेशः स विवीतपदेन लक्ष्यते, तत्समीपवर्तिनीत्याद्यर्थो वा । अकामत इति पूर्वान्वयीत्याह । **अकामेति । गोभिः** तदादिभिः । ननु प्रत्यक्षदोषस्य पापस्य च सत्त्वात्कथमदोषत्वं अत आह। **दोषाभावेति ।** शिष्टं व्याचष्टे । **कामेति ।**

अनावृतेति । आवरणरहितेत्यर्थः । ' वृञ् वरणे ' इत्यस्य रूपम् । एवमग्रे सर्वत्र । **तत्र** परीहारस्थाने । **मार्गादिक्षेत्रे,** आदिना ग्रामादि । नन्वावरणमेव नोक्तमत आह । **वृतीति । तेनैव मनुनैव । वृतिं** आवृतिम्, कण्टकादिमयीम् । **तत्र** क्षेत्रसमन्ततः । तादृशीमुन्नतामिति शेषः । कीदृशीमित्याह । **यामिति ।** अभिलक्ष्य परपार्श्वे इति शेषः । **उष्ट्रोऽपि** उन्नतोऽपि धान्यादि न पश्येदित्यर्थः । 'छिद्रं वा वारयेदि'त्यत्र **वाशब्दः** चार्थे । क्वचित् 'च वारयेदि'त्येव पाठः । निवारयेदिति पाठान्तरम् । यथाश्रुतो वा वाशब्दः । तयोः मुखमनु तत्समीपे गच्छति येन तादृशामित्यर्थः । मुखोन्मितमिति पाठान्तरम् । अयं भावः । तत्र क्षेत्रे समन्ततः उष्ट्रकर्तृकधान्यादिकर्मकावलोकनायोग्यां प्राकारसदृशीं अत्युन्नताम् आवृतिं कुर्यात् । तत्र यानि छिद्राणि श्वादिमुखप्रवेशयोग्यानि तान्यपि निबध्यात् । तस्य यथाश्रुतत्वे श्वादिमुखप्रवेशयोग्यसर्वच्छिद्ररहितं यथा तथाऽत्युन्नतां तां कुर्यादिति तत्करणे प्रकारान्तरकथनमिति ॥ १६२ ॥

याज्ञवल्कीये १६३ श्लोकः ।

अपिः पूर्वसमुच्चये । पूर्वार्धे पदद्वयम् । यथासम्भवं द्वन्द्व उभयत्रेत्याह । **महानिति ।** 'अचतुर' (व्या. सू. ५।४।७७) इत्यादिना निपातितोऽयम् । सेक्ता वृष इत्यन्वयः । 'साण्ड' इति प्रसिद्धः । वक्ष्यमाणाभिन्नः । कर्मधारयोऽग्रेऽपि । तेन तेषां तद्भिन्नानां न ग्रहणम् ।

"अनिर्दशाहां गां सूतां वृषान् देवपशूंस्तथा । सपालान्वा विपालान्वा अदण्ड्यान्मनुरब्रवीत् ॥" (अ. ८ श्लो. २४२) इति **मनो**राह । **अनिर्दशाहेति ।** अनिर्गतदशाहा गौरित्यर्थः । **मानवे** "चक्रशूलाङ्कितोत्सृष्टा वृषाः, हरिहरादिप्रतिमासंबन्धिपशवो देवपशवः । " इति **कुल्लूकभट्टः ।** चशब्दबलान्निमित्तान्तरपरतयोत्तरार्धं व्याचष्टे । **येषां चेति ।** विभिन्नविभक्तिकत्वेन यथाश्रुतान्वयासम्भवादाह । **विद्यते इति ।** अध्याहारः । **सस्येति ।** परेत्यादिः । मोच्या इत्यस्यैवार्थं प्राग्वदाह । **न दण्ड्या इति ।** ते **चोशनसोक्ता** इति पाठः । तथा च **मनु**रित्यपपाठः । तथा तत्रापाठात् । तत्र हेतुमाह । **प्रजेति । हि** यतः । राजसम्बन्धित्वात् । एकाक्षिविकलः काणः । पादरहितः कुण्ठः । पंगुरिति यावत् । शश्वत् वारंवारं सस्यनाशकत्वेन कृतं लक्षणम् अङ्कनं धनग्रहणादि वा येषाम् । ते च पुनः पुनः सस्यनाशकत्वेन दण्डिता इति यावत् । आगन्तुकी सूतिका अभिसारिणी या गर्भाधानार्थमभिसरति सा चेति त्रिविधा गौश्चादण्ड्या । राजगृहे उत्सवे श्राद्धसमये चेत्याद्यर्थः । असङ्गतिमंशे परिहरति । **अत्रोत्सृष्टेति ।** उत्सृष्टवृषाणामपि गर्भार्थं गोकुले पालैर्धारणात्सपालत्वसम्भव इति इति तु **मनु**व्याख्यातारः ॥ १६३ ॥

याज्ञवल्कीये १६४ श्लोकः ।

यथेति भिन्नं पदं, तदर्थो **गणयित्वेति** । तथेत्यस्य **तथैवेति** । तस्य च विगणय्येत्येवार्थः । **मृतेति** निमित्तद्वयं नैकम्, अन्यतरवैयर्थ्यापत्तेरित्याह । **मृतानीति** । कृतेत्यनेन तदभावे । भृतिर्वेतनम् । प्रतीति पूर्वान्वयि । गोपे इत्युभयान्वयि । भृतिरित्यस्याग्रेऽप्यनुषङ्गः । **नाशश्च** नाशादि च । **नष्टमिति** । तृतीयपादस्य सर्वत्र पूर्वेत्रान्वयः । गोपालसम्बन्धिरक्षणाख्यपुरुषव्यापारेण हीनं रहितं क्षतं नष्टं दृष्टिगोचरातीतं कृमिभिर्जग्धं भक्षितं श्वभिः उपलक्षणत्वेन श्वापदादिभिर्हतं विषमे श्वभ्रादिप्रदेशे पतनेन मृतं च गोपाल एव स्वामिने दद्यादित्यर्थः । **प्रसह्येति** । चोरैर्बलादपहृतानेतान् गवादीन् स्वामिने गोपालो न दाप्य इत्यर्थः । एतेन चोरैर्बलादपहृतस्वात् पालात् स्वामिने पशुर्न दाप्य इति व्याख्यानमपास्तम् । **विघुष्येति** । चोरैः पटहाद्युद्घोषेण प्रसिद्धमपहृतं पालो दातुं नार्हति, यदि तस्मिन्नेव देशे संनिहितोद्देशे हरणे तस्मिन्नेव काले हरणोत्तरमेव स्वस्य स्वामिने कथयतीत्यर्थः । शेषत्वविवक्षायां षष्ठी । अन्यथा तु दाप्य एव । अत एव न दातुमर्हतीत्युक्तं, नं तु न दाप्य इति । **तु पुनः** मरणोत्तरम् । पुनरित्येव पाठे त्वर्थे सः । **चर्म** त्वक् । **वालान्** लोमानि चिह्नभूतानि । बस्तिर्मूत्राधारोऽङ्गविशेषः । "बस्तिर्नाभेरधोद्वयोः" **इत्यमरः** (२।६।७३) । **स्नायुर्वस्नसा** । 'अथ वस्नसा स्नायुः स्त्रियामि'**त्यमरः** (२।६।६६) । पायुमिति पाठान्तरम् । **रोचना** गोरोचना । एतानि **पशुस्वामिषु** वैवक्षिकसप्तमी दद्यात् । तुश्चार्थे । **मृतेष्वि**त्युभयान्वयि । तथा च तेषु मृतेषु अन्यान्यप्यङ्गानि ज्ञातिज्ञापकानि शृङ्गखुरादीनि दर्शयेत् इत्यर्थः । अङ्कांश्चेति पाठे पशुदेहस्थितान्मुद्रादिचिह्नानपि दर्शयेदित्यर्थः । 'अङ्कांश्च दर्शयन्निति' पाठे तेषु मृतेषु अङ्कान् चिह्नानि दर्शयन्सः कर्णादिकं तेभ्यो दद्यादित्यर्थः । 'अङ्कानीति' पाठेऽप्येवम् । **इति मनु**वचनादिति पाठः । इति स्मरणादिति पाठेऽपि तथा ॥ १६४ ॥

याज्ञवल्कीये १६५ श्लोकः ।

किं चेति । अन्यदपि गोपं प्रत्युच्यते इत्यर्थः । तस्यानुषङ्गेण तुर्यपादे तस्य द्रव्यं देयत्वेन विधीयते चेति शाब्दोऽर्थः । तदनुरोधेनोभयत्र फलितमेवाह । **अर्धाधिकत्रयोदशपणमिति** । अधिकेन समासस्य विहितत्वादेवमुक्तम् । 'द्रव्यमिति' **मौलस्य** व्याख्या **विनष्टेति** । पालो दाप्य इत्यस्यानुषङ्गः । षष्ठी प्राग्वत् । पौनरुक्त्यं परिहरति । **दण्डेति** । प्रागुक्तवचनेनैव दण्डस्य प्राप्तत्वात्समनूद्यार्धत्रयोदशपणत्वरूपतत्परिमाणांश एव अत्र विधेय इत्यर्थः ॥ १६५ ॥

याज्ञवल्कीये १६६ श्लोकः ।

विरोधात् ग्रामशब्दस्तत्स्थजनपरः प्राग्वदित्याह । **ग्राम्येति** । द्वितीयपादार्थद्वयमाह । **भूम्यल्पत्वेति** । तात्पर्यार्थमाह । **गवादीनामिति** । **चरक्षार्थमिति** । चरणार्थमिति पाठान्तरम् । **तृणेति** अस्वामिकतृणाद्यन्तराभावे इत्यर्थः । गवाग्रीत्यनेनान्यार्थी तदभावः सूचितः । **सर्वतः** आवृतादनावृताच्च । **स्ववत्** स्वतुल्यम् । वतिप्रत्ययसूचितमाह **अनिवारित इति** । अनेन निवारितः सन्न गृह्णीयादिति सूचितम् । इदमेव ततो न्यूनत्वम् । सर्वत इति पुष्पाणीति च सूचितमाह । **फलानि त्वपरिवृतादेवेति** । आवरणरहितादेवाहरेन्न तु सर्वत इत्यर्थः । तत्र हेतुमाह । **गोऽग्न्यर्थमिति** । वैकल्पिकत्वादद्वङ् न । इदं देवताया अप्युपलक्षणम् । **एधांसि** काष्ठानि । **वीरुदि**त्युभयान्वयि ।

च पुष्पाणि पुष्पाणि च । चोऽप्यर्थे । **एतच्चेति** । द्विजस्तृणैध इति मूलोक्तं चेत्यर्थः । **द्विजेति** । वर्णत्रयान्यशूद्रादेरपीत्यर्थः । **तेनैव** गौतमेनैव ।

नारदविरोधं परिहरति । **यत्पुनरिति** । मूले द्विजस्योक्तत्वादाह । **द्विजव्यतिरिक्तविषयमिति** । अनापृच्छन्नित्यनेन तस्य परिगृहीतविषयताया एव लाभादिति भावः । तृणान्तराभावे इत्युक्तेस्तत्सत्त्वे द्विजस्यापि तत्र प्रश्नपूर्वकमेव ग्रहणं नान्यथा । अन्यलाभेऽनन्यगतेरभावादित्याशयेनाह । **अनापद्विषयमिति** । गवादीत्यनेनान्यार्थमग्रहणं सूचितम् । तदाह । **गवादीति** ॥ १६६ ॥

याज्ञवल्कीये १६७ श्लोकः ।

इदं वक्ष्यमाणम् । **स्थानं** स्थितिर्गतिनिवृत्तिः । आसनमुपवेशनम् । **अन्तरं** व्यवधानम् । चतुर्हस्तं धनुः, धनुषां शतं, तस्य परिच्छेद्यत्वेनान्वयादाह । **धनुःशतपरिमितमिति** । यद्यपि 'परिणाहो विशालता' **इत्यमरः** (२।६।११४), तथापि सामानाधिकरण्याय धर्मिपरमत्र । तदाह । **सर्वत इति** । सस्यमित्यादेर्भूस्थानामिति विशेष्यं बोध्यम् । अत एव मनुः—(अ. ८ । २३७)

" धनुःशतं परीहारो ग्रामस्य स्यात्समन्ततः । शम्यापातास्त्रयो वाऽपि त्रिगुणो नगरस्य तु "

इति । शम्या दण्डयष्टिः । सा बाहुवेगेन प्रेरिता यत्र भूस्थाने पतति तादृशास्त्रय इत्यर्थः । त्रैगुण्यमुक्तान्यतरापेक्षया । प्रचुरेति खर्वटशब्दार्थः । कण्टकानां सन्तानो विस्तारो यत्र ते, प्रचुरास्ते यत्र तस्येत्यर्थः । बहुकण्टकिवृक्षाक्रान्तस्येति यावत् । **ग्रामस्य** क्षेत्रस्य चान्तरं धनुषामिति शेषः ॥ १६७ ॥

इति स्वामिपालविवादः ॥

अथ अस्वामिविक्रयप्रकरणम् ॥ ११ ॥

याज्ञवल्कीये १६८ श्लोकः ।

उपक्रमते वक्तुं प्रारभते । आद्येन मूलकृदिति शेषः । **निक्षिप्तमिति** । निक्षिप्तं परद्रव्यं नष्टं वा परद्रव्यं लब्धं वा परद्रव्यमपहृत्य वा यत्स्वामिनोऽसमक्षं विक्रीयते इत्याद्यर्थः । तत्र स्वामिनोऽसमक्षमित्यस्य परोक्षमित्यर्थः । तदनुज्ञामन्तरेणेति यावत् ।

अथ मूलमवतारयति । **तत्रेति । तत्र** एवंविधेऽस्वामिविक्रयस्थलेऽस्वामिविक्रेतृविषये किं शास्त्रविधानं कीदृशं भवतीत्याशङ्कायामाहेत्यर्थः । स्वशब्द आत्मीयपर इत्याह । **आत्मेति** । ततश्चार्थात् धनमेवेत्याह । **द्रव्यमिति** । शेषं पूरयति अगत्या । **यदीति** । प्राग्वदाह । **विक्रीतग्रहणमिति । दत्ताहितयोः** दत्ताहितयोरपि । **उक्तं कात्यायनेन ।**

द्वितीयपादार्थमाह । **क्रेतुरिति ।**

उत्तरार्धार्थमाह । **तथेति** । हीनादित्यादीनां तस्करत्वेऽन्वयः । क्रयः सर्वत्र विशेष्यभूतो बोध्यः । **तद्द्रव्येति** । अपहृताद्यनीप्सितमूल्यभूतद्रव्येत्याद्यर्थः । मूले रह इत्यव्ययम् । तदर्थमाह । **रहसि चेति** । उक्तेनापौनरुक्त्यायाह । **संभाव्येति** । यद्वस्तु यावन्मूल्यद्रव्यमर्हति तस्मादपि न्यूनेन मूल्येनेत्यर्थः । प्रकारान्तरमाह । **अल्पेति** । तस्करत्वातिदेशफलमाह । **तस्करवदिति** । तदीयदण्डादीत्यर्थः । **आदिना** शासनादिः । **यथोक्तमिति । नारदेने**ति भावः (अ. ७ श्लो. २) । समाप्नु-

यादिति पाठः। प्रकाशं यथा स्यात्तथा यः क्रयस्तस्मात्। सार्वविभक्तिकस्तसिः अपादाने इति वा **क्रेतुः,** तत्कर्तुरित्यर्थः। क्रेतुरित्यग्रेऽप्यन्वेति ॥ १६८ ॥

याज्ञवल्कीये १६९ श्लोकः।

दूषयितुमेकदेशीयमतमनुवदति। **नष्टमित्यादिना**। मूले समाहारद्वंद्व इति भावः। तत्फलमाह। **आत्मेत्यादि**। उत्तरार्धार्थमाह। **अथेति**। मूले देशकालयोरतिपत्तिरिति सुप्सुपेति सप्तमीसमासः। तत्राद्येऽतिपत्तिर्गमनम्, देशशब्दश्च विशेषपरः कालशब्दोऽपि, द्वितीयेऽतिपत्तिर्मरणम् इत्याह। **अविदितेति**। **मूलेति**। विक्रेत्रित्यर्थः। यद्वा मूल्येत्यर्थः। क्वचित्तथैव पाठः। **तद्धनं** गृहीत्वेति शेषः। **शुद्धः**। राज्ञाऽदण्ड्यश्च।

अयं भावः। नष्टं वाऽपहृतं वाऽन्यदीयद्रव्यं क्रयप्रतिग्रहादिभिरस्वामिनः सकाशाद्यः कश्चन प्राप्य स्वयमप्यन्यस्मै विक्रीणीते तस्मात्क्रेता पुरुषस्तं विक्रेतारं रजनीचरादिभी राजपुरुषैर्ग्राहयेत्, स्वचौर्यनिवृत्त्यर्थं राजदण्डाप्राप्त्यर्थं च। अथ केनापि प्रकारेण तं ग्राहयितुं प्रदर्शयितुं वा न समर्थस्तदा तस्माद्गृहीतं द्रव्यं मूलस्वामिने समर्प्य स्वयं शुद्धो भवतीति।

दूषयति। **तदिदमिति**। तत्र हेतुमाह। **विक्रेतुरिति**। वक्ष्यमाणेन मूलेनेत्यर्थः। स्वेष्टार्थमाह। **अत इति**। **नाष्टिकं प्रति**। न तु द्वितीयक्रेतारं प्रति। अत एव तद्विरुद्धमाह। **आत्मीयमिति**। आसाद्येत्यस्यार्थमाह। **क्रेत्रिति**। **तं** नरम्। देशकालातिपत्ताविति षष्ठीतत्पुरुष इत्याह। **देशकालातिक्रमे इति**। तयोरतिक्रमणे इत्यर्थः। **तद्विज्ञापनकालादिति**। स्थानपालादिभ्यः कथनकालादित्यर्थः। **गृहीत्वा**। तमिति शेषः॥ १६९ ॥

हर्तरि क्रेतरि। **किमिति** तेनैवेति भावः।

याज्ञवल्कीये १७० श्लोकः।

गृहीतः ग्राहितः। **अपहृतमिति**। किं त्विति शेषः। मात्रपदलब्धमेवाह। **न पुनरिति**। पश्चादपीत्यर्थः। **मूले** विक्रेतरि। यस्मात्क्रीतं तेन तस्मिन्निति यावत्। एवमग्रेऽपि। सतिसप्तमी। **नाष्टिकस्य** नष्टधनस्वामिनः।

अथाग्रिमार्थमाह। **तस्मिन्नित्यादिना**। आदौ तर्युपादार्थमाह। **तस्येति**। तस्मादित्यस्यार्थमाह। **तस्य सकाशादिति**। दण्डाभ्रमायाह। **स्वीयमिति**। विशेषानुक्तेराह। **अवाप्नोतीति**। विशेषमाह। **अथासाविति**। विक्रेतेत्यर्थः। **कातीयमाह**। **प्रकाशमिति**। **तत्र** विवादे। **क्रयं शोधयित्वेति**। स्वक्रये साक्ष्यादिप्रदर्शनेनेत्यर्थः। **शुद्धः** अतस्करः। तमेवाह। **असमाहार्येति**। **स एव** क्रेतैव। तमेवाह। **अनुपस्थापयन्निति**। अप्रदर्शयन्नित्यर्थः। **यथेति**। अभियुज्यमानमनतिक्रम्येत्यर्थः। **दमं च,** राज्ञेति शेषः। **सः** क्रेतेति विशेष्यम्॥ १७० ॥

याज्ञवल्कीये १७१ श्लोकः।

व्यवहितसंगतिमाह। **स्वमिति**। **तदिति**। तल्लाभेच्छुना स्वामिनेत्यर्थः। उपभोगेन वेति पाठः। **एवं** प्रकारेण। नष्टमित्युपलक्षणमित्याह। **अपहृतं वेति**। मूलेऽतोऽन्यथेत्यस्यैव विवरणं **तेनाविभाविते इति**। तदर्थमाह। **तेन स्वामिनेति**। नाष्टिकेनेत्यर्थः। **अविभाविते** असाधिते। तस्येत्यस्यार्थमाह। **नष्टद्रव्यस्येति**। तत्रेति तत्र पाठान्तरम्। अर्थः स एव। यद्यपि 'बन्ध आदौ च बन्धने' इति **कोशस्तथाप्युभयत्र** लक्ष्यार्थमाह। **पञ्चमांश इति**। तच्छोधनेनैव

शुद्धेः दानाभावसंदेहाभावाय प्रागुक्तक्रमं स्पष्टयति । **अत्र चेति । आत्मदोषेति ।** चौर्येत्यर्थः । **साधयित्वेति ।** साक्ष्यादिभिरिति भावः । **द्रव्यं** तदीयम् ॥ १७१ ॥

याज्ञवल्कीये १७२ श्लोकः ।

प्रच्छादकमिति । स्वेनैव द्रव्यस्य ततो ग्रहात्फलाभावेन कारुण्येन च राजादावप्रकाशकमित्यर्थज्ञानाय मूले परहस्तादित्युक्तम् । यद्वा । परहस्तं अतति गच्छतीति व्युत्पत्त्या प्रथमान्तं द्रव्यविशेषणम् । तदाह। **चौरादिहस्तस्थमिति । आदिना**ेदासीनादिग्रहणम् । तथा चादौ अग्रे च तस्करग्रहणमप्युपलक्षणमिति भावः । 'नृपस्येति' शेषे षष्ठी । दर्पादीति आदिना भयप्रार्थनादि । लिङ्गर्थोऽविवक्षित इत्याह। **गृह्णातीति।** प्राग्वदाह। **षडिति ।** तत्परिमितान्पणान्। तत्र दोषान्तराभावाद्धेतुमाह । **तस्करेति** ॥ १७२ ॥

याज्ञवल्कीये १७३ श्लोकः ।

शुल्कं राजग्राह्यः करः । आहृतमित्यस्यार्थमाह । **राजेति ।** परत इत्यस्यार्थमाह । **ऊर्ध्वमिति ।** विशेषमाह । **स्वेति । प्रब्रूयुः** तत्पुरुषाः । **विख्याप्य** जनसमूहेषूद्घोष्य ।

विरोधं परिहरति । **यत्पुनरिति ।** प्रनष्टस्वामिकमिति पाठः ।पाठान्तरेऽदृष्टस्वामिकमित्यर्थः। एवं गतिद्वयं प्रागपि । तत्र व्यस्तपाठोऽपि । **श्रुतेति ।** वेदशास्त्रसदाचरणपूर्णेत्यर्थः । उत्तरसङ्गतये प्राग्वदाह । **रक्षणेति ।** बहुव्रीहिः । एवमग्रेऽपि । आद्यर्थो वचने एव स्फुटः । **तेनैव मनुनैव । अथ** रक्षणानन्तरम् । **षड्भागम्** षट्त्वसंख्यापूरकभागम्। **प्रनष्टाधिगमादिति ।** अधिगमे कर्माणि घञ् । प्रनष्टादधिगम्यमानात् द्रव्यादित्यर्थः । यद्वा प्रनष्टस्याधिगमात्प्राप्तिपूर्वकरक्षणाद्धेतोरित्यर्थः ।

व्यवस्थामाह । **तृतीयेति ।** भागानुसारेण व्युत्क्रम इति भावः । **बृहस्पतिः—**

"राजाऽऽददीत षड्भागं नवमं द्वादशं तथा । शूद्रविट्क्षत्रजातीनां विप्रात् गृह्णीत विंशकम् ॥

"त्र्यब्दार्ध्वे तु नागच्छेत्तत्र स्वामी कथंचन। तदा गृह्णीत तद्राजा ब्रह्मस्वं ब्राह्मणान् श्रयेत् ॥ "इति ॥

बौधायनाय: (१ । १० । १६) "अब्राह्मणस्य प्रनष्टस्वामिकरिक्थं संवत्सरं परिपाल्य राजा हरेदिति ।"

नारदः– (अ. ३ । श्लो. १८)

"अस्वामिकमदायादं दशवर्षस्थितं ततः। राजा तदात्मसात्कुर्यादेवं धर्मो न हीयते" ॥ इति।

एतेषामपि व्यवस्था प्रागेवोक्ता । तदाह । **प्रपञ्चितमिति ।** अत्र च प्रनष्टस्वामिकद्रव्ये एकवर्षत्रिवर्षदशवर्षधारणविकल्पानां व्यवस्था दूरतमदेशवर्तितदीयपुत्रादिदायादवार्तायां सत्यां नानाविधानेकगमनप्रतिबन्धसम्भवे वाऽवगन्तव्येति तु **कल्पतरुः । पुरस्तादिति ।** अत्रैवाध्याये इति भावः ॥ १७३ ॥

याज्ञवल्कीये १७४ श्लोकः ।

महिषोष्ट्रगवामित्यार्षत्वात्साधुः । **प्रनष्टाधिगते** सति । एवमग्रेऽपि । धनदाने निमित्तमाह । **रक्षणेति ।** द्वंद्वात्समुदाये प्राप्तावाह । **प्रत्येकमिति ।** उभयत्र । अजाविके इति प्राग्वत् । तत्र द्वितीये उपपत्तिमाह । **अजेति । वीप्सेति ।** एवं प्रागपि बोध्यम् ॥ १७४ ॥

इत्यस्वामिविक्रयप्रकरणम् ।

अथ दत्ताप्रदानिकप्रकरणम् ॥ १२ ॥

अधुनेति । दानप्रसङ्गादिति भावः । तत्र तावदेतत्प्रकरणाभिधेयं प्रमेयं निष्कृष्टमाह । **विहितेति** । यथासंख्यमन्वयः । विहितमार्गाश्रयं दत्तानपाकर्माख्यम्, अविहितमार्गाश्रयं दत्ताप्रदानिकाख्यमित्यवान्तरभेदः । तदाह । **इति चेति** । किंचेतीत्यर्थः । उभयसामान्यमाह । **दानाख्यमिति** । **च**स्त्वर्थे । तत्रैकोक्तेर्न्यूनतानिरासाय **नारदीयं** व्याचष्टे । **असम्यगिति** । अस्यैवार्थमाह । **अविहितेति** । तत्र **य** इत्यस्य कश्चिदित्यर्थः । अत एवासंभवान्न तस्य तच्छब्देन परामर्श इत्याकांक्षानिरासाय शेषं पूरयति । **यस्मिन्निति** । तस्य योगार्थमप्याह । **दत्तस्येति** । अप्रदानमिति च्छेदः । अत एवाह । **पुनरिति** । षष्ठीसमासगर्भो मत्वर्थीयष्ठन्। अविहितेत्यादिना तत्स्वरूपनिरुक्त्यैव तद्विपरीतरूपस्य दत्तानपाकर्मणः स्वरूपमर्थसिद्धमेवेति **हि**ना सूचितमेवेति न पृथक्कथितमित्याह । **विहितेति** । **तदेव** दानाख्यमेव । तद्योगार्थमाह । **दत्तस्येति** । अनपाकर्मेत्यस्यार्थः । **अपुनरिति** । शास्त्रविहितमार्गेणैव दत्तत्वात्पुनरादानस्य निषिद्धत्वेनापुनर्ग्रहणमित्यर्थः ।

तच्च द्विविधं दानाख्यं व्यवहारपदं च । एकैकस्य द्वैविध्याच्चतुर्विधत्वं, तदाह । **अथ देयमिति** । देयं दत्तं चेति द्वयं दत्तानपाकर्मभेदः । अदेयमदत्तं चेति द्वयं दत्ताप्रदानिकभेदः । एवं तत्र दानमार्गश्चतुर्विधो विज्ञेय इत्यर्थः । **तत्र** तेषां मध्ये । **अनिषिद्धेति** । अनिषिद्धा या दानक्रिया तद्योग्यमित्यर्थः । कुटुम्बाविरोधि स्वीयद्रव्यं हि तादृशम् । **अस्वतयेति** । अन्वाहितादिकमस्वतया दानानर्हं, कुटुम्बोपोषणेऽपर्याप्तं तन्मात्रपर्याप्तं वा स्वं द्रव्यं निषिद्धतया दानानर्हमिति विवेकः । **अव्यावर्तनीयमिति** । अपुनर्ग्राह्यमित्यर्थः । **यत्प्रत्याहरणीयमिति** । यथाकथंचिद्दत्तं पुनर्ग्राह्यमित्यर्थः ।

नारदोक्तार्थपरतया मूलमवतारयति । **तदेतदिति** । पूर्वोक्तं सर्वमित्यर्थः ।

याज्ञवल्कीये १७५ श्लोकः । (प्रथमपादः)

प्राग्वदाह । **आत्मीयमिति** । स्वतस्तस्य तदविरोधादाह । **अनुपरोधेनेति** । तदविघातेनेत्यर्थः । तस्यापि तात्पर्यार्थमाह । **कुटुम्बभरणेति** । देयमित्यस्यार्थमाह । **दद्यादिति** । विशेषणफलमाह । **तदिति** । कुटुम्बेत्यर्थः । **वृद्धौ** अशीत्युत्तरसंख्याकौ । **शिशुः** षोडशन्यूनः । **आकार्यशतमपि** अकार्यदुष्प्रतिग्रहाद्यानन्त्यमपि । **मनुरिति** । इतीत्यादिः । एवमग्रेऽपि ।

पूर्वं **नारदो**क्त्या अस्वतयेत्यादिना अदेयं द्विविधमुक्तम् । अतः संक्षेपप्रकारमेवाह । **स्वमिति** । आद्यादेयं व्यतिरेकेण **मूल**कृता दर्शितमित्याह । **स्वं दद्यादिति** । **अन्वाहितेति** । अत्र क्रमस्य वक्ष्यमाण**नारदी**यस्य विवक्षितत्वान्न दोषः । द्वन्द्वोत्तरपदकद्वन्द्वो वा । एवं कुटुम्बेत्यनेन तदपर्याप्तं निषिद्धतया न देयमिति द्वितीयमप्यदेयं व्यतिरेकेणैव दर्शितमित्यपि बोध्यम् । तथा च अस्वं अदेयं, स्वमपि तदपर्याप्तमदेयमिति द्विविधमदेयमिति सिद्धमिति तात्पर्य**म्** ।

व्याख्यात्राऽन्वाहितादिपञ्चानामदेयत्वमुक्तं, **नारदेन** त्वष्टानामिति तद्विरोधमाह । **यत्पुनरिति** । कष्टास्वित्यापद्विशेषणम् । **कष्टासु** अत्यन्तदुःखदापत्स्वपि वर्तमानेनेत्याद्यर्थः । काष्ठास्विति पाठे सर्वासु दिक्षु आपत्स्वपीत्याद्यर्थः । तं परिहरति । **तदिति** । मात्रं कार्त्स्न्ये । **न पुनः** न तु । अन्वाहिताद्यष्टानामेकगणपाठोऽदेयत्वमात्रसाम्येन, न तु अस्वत्वेनेति भावः । अत्र हेतुमाह । **पुत्रेति** । **प्रतिश्रुतेषु** त्रिषु । **च**स्त्वर्थे ।

एवमाद्यपादं व्याख्याय **द्वितीयपादांशं** व्याख्यातुमवतारयति । **स्वमिति** । दारसुतग्रहणमुपलक्षणमित्याह । **दारसुतादेरिति** । समाहारद्वन्द्वस्तत्र । तदाह । **दारसुतमिति** ।

तृतीयपादं व्याचष्टे । **तथेति** । **मनुमाह** । **पुत्रानिति** । **वृत्तिं** जीविकाम् ।

तुर्यपादं व्याचष्टे । **तथेति** । यत्पदार्थमाह । **हिरण्यादिकमिति** ॥ १७५ ॥

उत्तरसङ्गतिमाह । **एवमिति** । उक्तप्रकारेणेत्यर्थः । **चो** वाक्यालङ्कारे । **आहेति** । अर्थेनेति भावः । अत एव तदवतरणपूर्वकं वक्ष्यति—

याज्ञवल्कीये १७६ श्लोकः ।

प्रतिग्रहे भावे घञित्याह । **प्रतिग्रहणमिति** । उक्तप्रकारेणेत्यर्थः । स्यादिति विधिरित्याह । **कर्तव्य इति** । तत्फलमाह । **विवादेति** । इदमुभयान्वयि । तस्य विशेषेण तथा प्रतिग्रहे हेतुमाह । **तस्येति** । स्थावरस्येत्यर्थः ।

द्वितीयार्धं प्रकरणसम्बन्धमवतारयति । **एवमिति** । यदि तु प्रतिग्रहशब्देन करणघञोत्सर्गौ दानाख्य एवोच्यते तदपि प्रकृतसम्बद्धमेवेति बोध्यम् । पादभेदेन वाक्यद्वयं न तु देयादिभेदेनेत्याह । **यदिति** । विशेषमाह । **धर्मार्थमिति** । अनेनान्यस्यातथात्वं सूचितम् । प्रागवदेवोक्तहेतोराह । **यद्यसाविति** । यस्मै दातुं प्रतिश्रुतं स इत्यर्थः ।

एवं देयादेयविषयं वक्तव्यमभिधाय दत्तादत्तविषयं वक्तव्यं वक्तुं तस्य द्वितीयपादं समतीकं व्याचष्टे । **दत्त्वेत्यादि** । **पुनः**, पश्चात् । दत्तानपहरणकथनेनैव तत्प्रतिपक्षभूतस्यादत्तप्रत्याहरणस्यापि कथनमर्थसिद्धमेव **नारद**वदित्याह । **यत्पुनरिति** । **चो**ऽप्यर्थे । **दत्तं** तत्सप्तविधमिति ।

"तत्र त्वष्टावदेयानि देयमेकविधं स्मृतम् ।" (अ. ४ । ३) इति अस्यादिः ।

नारदीयं सर्वं क्रमेण व्याचष्टे । **अयमर्थ इति** । क्रीतद्रव्यस्येति बहुव्रीहिः । **तुष्ट्या,** सन्तोषेण । **दुहित्रिति** । दुहितुः पुत्रादिभ्य इत्यर्थः । दृष्टस्योक्तत्वात् अनुग्रहपदेन तदित्याह । **अदृष्टेति** । 'सर्वं वाक्यमिति' **न्यायेनाह** । **दत्तमेवेति** । एवव्यावर्त्यमाह । **न प्रत्याहरणीयमिति** । **नारदीये** दत्तपदं पण्यमूल्यादिशेषतया स्वतन्त्रतया च तन्त्रेणोपात्तमिति भावः । यच्चादृष्टार्थमित्येव पाठेऽनुग्रहार्थमित्यस्यैव व्याख्यानं तद् बोध्यम् ।

अदत्तं त्विति व्याचष्टे । **भयेनेत्यादि** । तत्र भयं च क्रोधश्च शोकश्च तेषां वेगस्तेन रुजा पीडा तया अन्वितैरिति शाब्दोऽर्थः । तत्फलितमाह । **भयेनेत्यादि** । **वन्दीति** कारागृहाधिकृतादिभ्य इत्यर्थः । **निर्यातनं** दूरीकरणम् । **अन्यस्मै,** येन साकं पित्रादीनां वैरं तस्मै । पुत्रादीति पाठान्तरम् । छलसंबद्धमेव योगपदं नान्येन । योगत इति तृतीयान्तात्सार्वविभक्तिकस्तसिरित्याह । **उत्कोचेनेति** । **तस्मा इति** । तस्मा एव । तद् अन्यद्वा ददातीत्यर्थः । **शतदानमिति** । शतं दीयमानमिति मनसि निधाय कारणोच्छ्वासादिवशात्सहस्रं दीयते इत्युक्तौ सत्यां मनसोऽनभिप्रेतमप्युक्त्यनुसारेण यत् दीयते तदित्यर्थः । उन्मत्तान्तेन द्वंद्वोत्तरपदकद्वंद्वेनापवर्जितमित्यस्य दत्तमित्यर्थकस्य साधनं कृतेति समास इत्याह । **बालेनेत्यादि** । **मदनीयेति** । तत्साधनद्रव्येण यो मत्तस्तेनेत्यर्थः ।

कर्तेति व्याचष्टे **तथेति** । ममेदमित्यस्यार्थो । **मदीयमिति** । **कर्तेति** लुडर्थानद्यतनत्वमात्रं न विवक्षितमित्याह । **करिष्यतीतीति** । अपात्रे इति तस्य तत्त्वविवक्षायां सप्तमी । अपात्रायेत्यर्थः ।

तदाह। **अचतुर्वेदायेति**। उक्ते इत्यत्र "अर्शआद्यच्" (व्या. सू. ५।२।१२७)। सप्तमी तथैवेत्याह। **चतुरिति**। अकार्ये इति छेदः। सप्तम्युभयत्र प्राग्वत्। **धर्मः संहितो येनेति**। आहिताग्न्यादिः। कर्तव्यत्वेन धर्मं ब्रुवते, अकार्ये अकार्यं यस्य तस्मै अकार्यकर्त्रेऽविज्ञानाद्यद्दत्तं स्यादित्यर्थस्तदाह। **यज्ञमिति**।

विशेषमाह। **आर्तेति**। वेत्यस्योभयत्रान्वयः। **दत्तमित्यस्य** संकल्पितमित्यर्थः। अत एव साधारणमाह। **अदत्वेति**। **मृते**, तस्मिन् सति। पूर्वं पूर्णे दाने तु न परावृत्तिरिति तुना सूचितम्।

कात्यायनेनैव सर्वविवादसाधारणमन्यदप्युक्तमित्याह। **तथेदमिति**। वक्ष्यमाणम्। **अपरम्**, उक्तभिन्नम्। तदर्थमाह। **योग इति**। उभयत्रेति भावः। कृतसमाहारद्वंद्वाभ्यां योगयोस्तृतीयासमास इत्याह। **योगेनेत्यादि**[1]। आधमनादीनाह। **आधीति**। विशेषेण क्रीतमित्याह। **क्रयेति**। भावे क्त इति भावः। **विगमे**, तज्ज्ञाने। **अस्य** अपरस्य।

विशेषान्तरमाह। **यः पुनरिति**। यस्तु। अदत्तं गृह्णातीति। पाठः तद्ग्रहणे मूलमाह। **लोभादिति**। अत एवाज्ञः स इति भावः। यद्यपि तावुभावपि दण्ड्यावित्येव सिद्धं तथापि स्फुटार्थं व्युत्क्रमेण सांनिध्यादाह। **अदेयदायक इति**। **तथा**, च। **अदत्तेति**। अदत्तं प्रतीच्छक इति तथा। सचवर्गः प्रतीच्छधातुर्ग्रहणार्थः। धातुगणे बाहुलकोक्तेरिति भावः॥ २७६॥

इति दत्ताप्रदानिकप्रकरणम्।

अथ क्रीतानुशयप्रकरणम्॥ १३॥

प्राग्वदाह। **क्रीतेति**। तत्र संगतिं सूचयन्नाह। **तदित्यादि**। **बहु**, विपुलम्। सम्यगिति यावत्। **तत्र च** तदनुशये च। **तेनैव**, **नारदे**नैव, एवमग्रेऽपि। षष्ठी प्राग्वत्। 'तस्मिन्नेवाह्न्यविवक्षतमिति' पाठः। नाशरहितामिति तदर्थः। अविक्षितामिति पाठेऽप्येवम्। **आवहेत्**, त्यजेत्। तस्मै दद्यात्। तावता न्यूनं मूल्यं ग्राह्यमिति यावत्। **द्विगुणं** पूर्वोक्तत्रिंशांशात् द्विगुणं, पञ्चदशांशमिति यावत्। तुर्यपादस्य तात्पर्यार्थमाह। **परत इति**। **अनुशयो**, विचारपूर्वकपश्चात्तापः।

संगतये विशेषमाह। **एतच्चेति**। **नारदोक्तं** चेत्यर्थः। **बीजादीति**। बीजादिव्यतिरिक्तं च तत् उपभोगादिविनश्वरं च तत् वस्तु च तद्विषयकमित्यर्थः। भोगवस्त्विति पाठे स्पष्टार्थम्। **भोगेति** भोग्येत्यर्थः।

याज्ञ० [illegible] १७७ श्लोकः।

एवं स्मृत्यन्तरोक्तं मनसि निधायोक्तान्यविषये मूलकृत् प्रत्यर्पणप्रकारं दर्शयतीत्याह। **बीजादीति**। **दशैकेति**। पूर्वार्धे समाहारद्वंद्वोऽग्रे पूर्वमितरेतरद्वंद्वपूर्वकसमाहारद्विगुः। अत एव वक्ष्यति 'दशाहादिक' इत्यादि। उत्तरार्धे इतरेतरद्वंद्वः। क्रमस्य विवक्षितत्वान्न दोषः। तदाह **बीजमित्यादि**। अय इत्युपलक्षणामित्याह। **लोहादीति**। परीक्षणपदार्थमाह। **परीक्षाकाल इति**। करणल्युटा कालसामान्यवाचकं तदिति भावः। एतत्कथनफलमाह। **परीक्ष्यमाणे चेति**।

मनुविरोधं तेनैकस्यैव कालस्य सामान्येनोक्तत्वात्प्राप्तं **मूलनारद**योः परिहरति। **यत्त्विति**। **इह**, व्यवहारे। द्वितीये आह। **आददीत चेति**। विचारस्य तुल्यत्वात् तदेकतयैव **मनु**नोक्तत्वान्**मूलकृता**ऽप्येकतयैवोक्तं न तु भेदेन। **कल्पतर्वा**दीनां भेदेनोक्तिस्तु स्पष्टार्थेति बोध्यम्। मूलाविरोधायाह। **उक्तलोहादीति**। **नारदा**विरोधायाह। **उपभोगानश्वरेति**।

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१ इ- येनेत्यादि।

सर्वं मनुमूलनारदोक्तम् । परीक्षापूर्वकक्रये विशेषमाह । **यत्पुनरिति** । परीक्षितं सदिति शेषः । परीक्ष्येति पाठान्तरम् । **पुनः** पश्चात् । **तदुक्तमिति** । **नारदेनेति** शेषः । **प्राक्** क्रयात् । **गुणेति** । गुणदोषाभ्याम् । सार्वविभक्तिकस्तसिः । **परीक्षाभिमतमिति** । परीक्षया अभिमतमित्यर्थः । परीक्ष्याभिमतमिति पाठान्तरम् । **पुनः** पश्चात् ॥ १७७ ॥

याज्ञवल्कीये १७८ श्लोकः ।

यद्यपि बीजाय इति बीजादिक्रमेण मूले परिगणितं तथापि दोह्ये महिष्यादौ प्रतिसवनदोहनेन तत्परीक्षायाः पयोनिष्ठाल्पत्वमहत्त्वाभ्यां सुज्ञानत्वात्तत्प्राधान्येनाह । **दोह्यादीति** । **परीक्षेति** । तत्कालेत्यर्थः । **इतरथा** तन्न्यूनत्वे । अयं तात्पर्यार्थः । शतशब्दः प्रत्यासत्तेः पलपर इत्याह । **शतपले इति** । द्विपलमिति बहुव्रीहिस्तदाह । **पलद्वयमिति** । प्राग्वदाह । **शतपले इति** । अनुवृत्तिरग्रेऽपि । पञ्च दशेति पदद्वयम् । तदाह । **पञ्च पलानीति** । **इत्येव** तच्च पलपरमेव । प्रताप्यमाने इत्यप्युभयत्र बोध्यम् ।

न्यूनतां परिहरति । **कांस्यस्येति** । 'कांस्ये त्विति' पाठान्तरम् । त्रपुताम्रयोनित्वादिति बहुव्रीहिः । **तदनुसारेण** तद्भागानुसारेण । क्वचित् तथैव पाठः । एवं पित्तलेऽपि बोध्यम् । तात्पर्यार्थमत्राह । **अतोऽधिकमिति** ॥ १७८ ॥

याज्ञवल्कीये १७९ श्लोकः ।

क्वचित् कम्बलादावपि, न सर्वत्र, किं तु क्वचित्, वृद्धिमाहेति पाठः । सूक्ष्मे वक्ष्यमाणत्वादाह । **स्थूलेनेति** । और्णे शतपले कम्बलादाविति तु मूलार्थः । **निर्मिते इति** । 'रोपधेतोः प्राचाम्' (व्या.सू. ४।२।१२३) इति वुञ् तत्रानेन सूचितः । स हि शैषिकः । शतपले दशपला वृद्धिरित्यर्थः । दशपलेति बहुव्रीहिरेव । मध्ये इति तृतीयपादप्रतीकम्, अत एवाह । **अनतिसूक्ष्मेति** । **पटादाविति** । यद्यप्यौर्णे इत्यादिना कम्बलादितया ग्रहणं कृतं तथापि पटादावित्युक्तिः प्रातिलोमाभिप्रायेति नानुपपत्तिरिति भावः । शते इति बोध्यम् । **सुसूक्ष्मेति** । अतिसूक्ष्मेत्यर्थः । **अप्रक्षालितेति** । तथा च प्रक्षालिते नेयमेव वृद्धिरिति भावः ॥ १७९ ॥

याज्ञवल्कीये १८० श्लोकः ।

विशेषमिति । क्षयमुभयाभावं च स्थलविशेषेणेत्यर्थः । कार्मिकमित्यस्य व्याख्या **कर्मणेति** । चित्रं सूत्रम् । अत एव तस्यापि व्याख्या **यत्रेति** । **मेचकं** मयूरपिच्छनेत्रम् । तत्र अधिकरणे यत्रित्याह । **यत्रेति** । **प्रावार** उत्तरासङ्गः । "द्वौ प्रावारोत्तरासङ्गौ समौ" **इत्यमरः** । (२।६।११७) **तत्र** उभयत्रापि । त्रिंशच्छब्दो भागपर इत्याह । **त्रिंशत्तम इति** । तात्पर्यार्थमाह । **किंत्विति** ॥ १८० ॥

याज्ञवल्कीये १८१ श्लोकः ।

उत्तरसंगतिमाह । **द्रव्यानन्त्यादिति** । **क्षयवृद्धीति** । धर्मादित्वात्साधुत्वम् । एवमग्रेऽपि । अत एव वृद्धिक्षयेत्यग्रिमविरोधो नेति बोध्यम् । उक्तभिन्नविषयमेवास्य साफल्यायाह । **शाणेत्यादि** । शणसूत्रनिर्मितम् । क्षुमा अतसी तत्सूत्रनिर्मितम् । 'नष्टे' इति मूलार्थमाह । **नाशमिति** । सर्वथा नाशोऽत्र नाभिमतः प्रकरणादिति भावः । **तथा** किं च तद्वत् वा प्रत्यासत्तेराह । **नष्टद्रव्यस्येति** ।

तत्र तत्त्वविवक्षया सप्तमीति भावः । एकश्चो व्युत्क्रमे इत्याह । **सारासारतां चेति** । ज्ञात्वेत्यस्य व्याख्या **परीक्ष्येति** । तुर्यपादार्थमाह । **यदिति** । दाप्यमित्यस्य शिल्पिकदम्बकमिति विशेष्यम् । तदाह । **शिल्पिन इति** ॥ १८१ ॥

इति क्रीतानुशयप्रकरणम् ।

अभ्युपेत्याशुश्रूषाप्रकरणम् ॥ १४ ॥

साम्प्रतमिति । गृहीतादानदण्डप्रसङ्गेनेति भावः । **अपरमिति** । तेषामाद्यमित्यादौ **मनुना**ऽपरिगणितत्वात्ततो भिन्नमेवेत्यर्थः । **नारदीयं** व्याचष्टे । **आज्ञाकरणमिति** । प्रतिपद्यते इत्यस्यार्थमाह । **सम्पादयतीति । मूले** व्युत्क्रमेणान्वय इत्याह । **अभ्युपेत्येति** । शिष्यादिचतुर्णां सामान्यसंज्ञामाह । **तेषामिति** । मध्ये इत्यर्थः । **कर्मकरा इति** । 'कर्मणि भृताविति' (व्या. सू. ३।२।२२) टः । यद्यपि भृतके तत्त्वं सूत्रसिद्धं भृतावित्युक्तेस्तथापि साहचर्यादन्येषामपि तत्त्वं बोध्यम् । वक्ष्यमाणानुरोधेन तेषां तत्त्वं योगरूढञ्चेत्याह । **ते चेति** । चत्वार इत्यर्थः ।

तदिदं सर्वम् । **शास्त्रे** प्रोक्त इत्यर्थः । **चतुर्विधः** आदितः । **तेषां** मध्ये । **त्रिपञ्चका इति** । त्रिः पञ्चेति त्रिपञ्च ते परिमाणं येषां ते । सुजर्थे समासः । तद्धितः कन् । तदेव विशदयति । **शिष्यान्तेवासीति । सामान्यमिति । एषां** शिष्यादीनां पञ्चानां मध्ये । अस्वतन्त्रत्वं नाम सामान्यं साधारणधर्म इत्येवं मनीषिणो महर्षय आहुरित्यर्थः । **जातीति** । तेषां पञ्चानां मध्ये शिष्यादिरूपचतुर्विधसमुदायस्य जात्या स्वस्वजात्यनुरूपं शुभमिति यावत् तादृशं कर्म कुर्वतस्तु कर्मकर इत्येवंरूपोऽवान्तरविशेषो मनीषिभिरुक्त इत्यर्थः । कर्मकरत्वं चतुर्णामप्यवान्तरजातिरित्यर्थः । **वृत्तिरेव चेति** । विशेष इत्यनुवर्तते । तथा वृत्तिर्वर्तनमपि शुभकर्मकरत्वेन विशेषो विशिष्टं, शुभकर्मकरत्वं विशिष्टा वृत्तिरित्यर्थः । अत एव चसंगतिः ।

उक्तमेव विविच्याह । **कर्मापीति । कर्मकृतां** चतुर्णाम् । तत्राशुभमाह । **गृहद्वारेत्यादि** । अत्र द्वंद्वोत्तरपदकसमाहारद्वंद्वस्य शोधनेन षष्ठीसमासः । उत्तरार्द्धे प्रत्येकमितरेतरद्वंद्वद्वयगर्भेतरेतरद्वन्द्वोत्तरपदकषष्ठीसमासोत्तरपदकसमाहारद्वन्द्वः । अग्रे यथासंख्यमन्वयः । **इच्छत इति** । इच्छतः स्वामिनः स्वाङ्गैरन्ततः पर्यन्ते उपस्थानं सेवनं चेत्यर्थः । **शुभमिति** । अतोऽन्यत् यत् तत् परं केवलं उत्कृष्टं वा शुभमित्यर्थः ।

शिष्यान्तेवासीत्यादि**नारद**वचनांशं विशिष्य व्याचष्टे । **तत्रेति** । तेषां मध्ये इत्यर्थः । वेदग्रहणं शास्त्रस्याप्युपलक्षणम् । शिल्पं कौशलम् । **अधिष्ठाता** नियन्ता ।

अशुचीत्यादि तथैव व्याचष्टे । **अशुचीति** । शिष्याद्युद्दिष्टानां मध्ये भृतकत्रैविध्यमाह । **भृतक इति** । **अत्र** एषां मध्ये । **तदुक्तमिति** । **नारदे**नेति शेषः । अत्रेति प्राग्वत् । आयुधजीवी **आयुधीयः । भारवाहीति** । तद्वहनशीलः । भारवाह इति पाठान्तरम् ।

दासास्त्रिपञ्चकाः दासास्तु गृहजादयः इत्युक्तं, तत्प्रपञ्चयति—

दासाः पुनरिति । दासास्त्वित्यर्थः । उच्यन्ते इति शेषः । तानेव **नारदो**क्त्या आह । **गृहजात इत्यादि** । क्रमेण व्याचष्टे । **गृहे इत्यादि** । तत्र पत्नीपरगृहशब्दस्य लक्ष्यार्थमाह । **दास्यामिति** । तद्वदित्यनेन किंचिन्न्यूनता सूचिता । अनाकाले इत्यस्यार्थो **दुर्भिक्षे इति** ।

भृत इत्यस्य **रक्षित इति । आधितामिति ।** अन्यत्रेति भावः । **अहं** स्याम् । **परिभाष्यति ।** परिभाषयितेत्यर्थः । **स्वयमिति ।** स्वयमेवागत इत्यर्थः । **प्रव्रज्या** संन्यासः । त्वं दास इति पाठे अग्रे इत्यभ्युपगमित इति पाठः । त्वद्दास इति पाठे अहं तव दास इत्यर्थेनाग्रे इत्यभ्युपगत इति पाठः । एतावन्तं कालमहं तव दास इत्यङ्गीकारित इति **मदनरत्ने**ऽप्येवमुक्तम् । **भक्तमन्नम् ।** एवेनान्यव्यवच्छेदः ।

मनुविरोधमनुवदति । **यत्त्विति । मानवे** भक्तदासः गृहजः क्रीतश्च प्रागुक्त एव । **पैतृकः** पितुरागतः । सोऽपि दायादुपगत एव । **दत्त्रिमो**ऽपि कृत एव । **ध्वजाहृतः** ध्वजेन तद्वता युद्धेनाहृत इति सोऽपि युद्धप्राप्त एव । प्रव्रज्यातश्च्युतस्य प्रायश्चित्तमकुर्वतः पुंसो दण्डार्थमेवामरणाद्दास्यं राज्ञो भवतीति दण्डदासः प्रव्रज्यावसित एवेति बोध्यम् । **दासेति ।** अयं धर्मपरः । दासत्वाश्रया दासा इति यावत् ।

परिहरति । **तदिति ।** तथा च सप्तग्रहणं न्यूनसंख्याव्यवच्छेदार्थं, न तु परिगणितभिन्ननिषेधार्थम् । तदाह । **न तु परीति ।**

एवं प्रकरणोपोद्घातत्वेन स्मृत्यन्तरोक्तमुक्त्वा मूलविषयं विवेचयितुं तदवतारयितुं चाह । **दासानामित्यादि ।** तत्र तथा सति । **अधिकर्मकृद्भृतकानामिति ।** अभ्यर्हितत्वात्पूर्वनिपातः । भृतकत्रैविध्यात् बहुवचनम् । वृत्तिरित्यनुषज्यते ।

मूलमवतारयति । **दासान्तेवासीति ।**

याज्ञवल्कीये १८२ श्लोकः ।

अपिशब्दादिति । चौरैरित्यनुवर्तते । चौरैरपहृत्याहितो दत्तश्चेत्यर्थः । **चः** सर्वसमुच्चये इत्याह । **दत्तश्चेति । सः** सर्वविधः । अत एव स्वाम्याहितादिविषये पृथगाह । **यदीति ।** बलादिनेति भावः । 'उक्तं चेति' **चो** ह्यर्थे । चौरेणापहृताः सन्तो विक्रीता इत्यर्थः । **हि** यतः **दास्यं,** तदेव ।

उत्तरार्धैकदेशं व्याचष्टे । **चौरेति ।** उत्तरसंगतये आह । **तदिदमिति । मूलोक्तं** स्वामिप्राणरक्षकत्वमित्यर्थः । **यो वैषामिति ।** एषां दासानां पञ्चदशानां मध्ये य एव कश्चिदित्यर्थः । न केवलं तावन्मात्रं किं त्वन्यदपीत्याह । **पुत्रभागमिति ।** तद्भागसदृशभागमित्यर्थः ।

नन्वेवं भक्तत्यागादित्यादि निष्फलम् । अत आह । **भक्तेति ।** आदिशब्दः प्रकारे । तेषां केषांचिदित्यर्थः । अत एवोक्तक्रमेणाह । **अनाकालेति ।** भक्तत्यागो भुक्तिदिनादारभ्य न विवक्षितस्तस्य तत्राहेतुत्वादत आह । **दासभावादिति । तस्य** धनस्य । निःशब्दार्थमाह । **सवृद्धिकस्येति ।** सामान्यार्थस्य प्रकरणात्क्रीधातोर्विशेषपरत्वमित्याह । **प्रत्यर्पणादिति । विशेषोऽपीति ।** अनाकालभृतांशमात्रे इति भावः । **संभक्षितमिति ।** दुर्भिक्षे यत् संभक्षितं तत् कर्मणा न शुध्येतेत्यर्थः । यदीयमुपभुक्तं तदीयव्यापारकरणमात्रेण शुद्धिर्न, दास्यान्न निर्मुक्तिः, किं तु तत्कर्मकरणेन गोद्वयदानेन च शुद्धिरिति यावत् । अयमेव मूलतो विशेष इति बोध्यम् ।

भक्तस्येति । प्रागुक्त एवार्थः । **सद्यः** तत्कालमेव, न तु पूर्ववदन्यदानापेक्षेति भावः । **धनं** सोदयमित्यस्यापकर्षः । प्रमुच्यते इत्यस्यानुषङ्गः । स्वामी यद्येव नोद्धरेदिति पाठः । यदि स्वामी नैवोद्धरेत्तदाऽऽहितोऽपि सोदयं धनं दत्त्वा दास्यात्प्रमुच्यते इत्यर्थः । यद्येनमुद्धरेदिति पाठे तत्र तत्संमतिं विना नैव मुक्तिरिति बोध्यम् । ऋणदासे आह । **ऋणं त्विति ।**

तथा किं च। क्रमेणाह **तवाहमित्यादि**। **हृतानां च,** तेषामपि। **तेनैव नारदेनैव**। प्रतिनिधिः प्रतिशीर्षपदार्थः। तुल्यं कर्म यस्य देयसाम्येन, तुल्यव्यापारेण पुरुषान्तरदानेनेत्यर्थः। कर्मणा स्वतुल्यपुरुषान्तरं दत्त्वा मुच्येरन्निति यावत्। निग्रहादित्यस्यार्थमाह। **दासेन सहेति**। वडवाया इति शेषः। दासीस्वामिकृतादिति भावः। प्रागुक्तफलितं प्रागुक्तमेवोपसंहरन्नाह। **तदेवमिति**। तस्मादुक्तप्रकारेणेत्यर्थः। क्रमेणाह। **गृहेति**। स्वामिप्राणप्रदत्वमुपलक्षणमित्याह। **तत्प्रसादिति**। स्वामिप्रसादेत्यर्थः। स च तथा वाऽन्यथा वेति भावः। यद्वा स्वामिप्राणप्रदत्वस्य साक्षान्मोचने कारणत्वाभावादाह। **तदिति**। तेन यस्तत्प्रसाद इत्यर्थः।

तन्मोचने विधिमाह। **दासेति**। **अनेन** वक्ष्यमाणेन। **स्वं** स्वीयम्। **तस्य** दासस्य। स्कन्धात् सजलं कुम्भमादायासौ स्वामी भिन्द्याद्भूमावित्यर्थः। त्रिरिति पूर्वान्वयि। **तेनैव नारदेनैव**। उक्त इति शेषः॥ १८२॥

याज्ञवल्कीये १८३ श्लोकः।

अवशिष्टगतिमाह। **प्रव्रज्योति**। तुर्वैलक्षण्ये। एवं सति प्रायश्चित्तविध्यानर्थक्यापत्तेराह। **अनभ्युपगतेति**। तथा सति तु पुनस्तस्य प्रव्रज्यैवेति भावः। एवेनान्यव्यवच्छेदः। अवतरणार्थमेव प्रतिपादयन् आमरणेत्यस्यार्थमाह। **मरणमेवेति**। **अन्तो** मोक्षः। **अन्तरा** मध्ये जीवनदशायाम्। **प्रतिमोक्षः** तत्प्रतिपक्षभूतो मोक्षः। एतेन आ समन्तात् मरणमेवान्तो यस्य स एव तथेति विनयादित्वात्स्वार्थे ठगिति सूचितम्।

(उत्तरार्धः)

दासभावः दासत्वम्। प्रतिलोमशब्दो धर्मपरस्तृतीयान्तात्तसिरित्याह। **न प्रातिलोम्येनेति**। नन्वेवं अस्योक्तमूलविरोधोऽत आह। **स्वधर्मेति**। **पुनः** तु। निषेधशेषमाह। **स्वधर्मेति**। एवं निषेधमुक्त्वा विधिमाह। **दारवदिति**। यथाऽऽनुलोम्येनैव विवाहो न प्रातिलोम्ये न तथा दासत्वमपीत्यर्थः॥ १८४॥

याज्ञवल्कीये १८४ श्लोकः।

अन्तेवासिधर्मानाहेति। एवं दासे धर्मानुक्त्वेत्यादिः। **कृतकालमिति**। तद्विशेषणार्थं पूर्वशेषमाह। **यद्यपीति**। सर्वशिल्पग्रहे कालाद्यभावादाह। **अपेक्षितेति**। तत्र प्रकारजिज्ञासामाह। **कथमिति**। **फलं** भृतिम्। **स्वशिल्पमिति**। बान्धवानां भ्रात्रादीनाम् अनुज्ञया आज्ञया स्वं स्वजातिविहितं शिल्पं ग्रहीतुमित्याद्यर्थः। **अन्ते** अन्तिके।

एवं तद्धर्ममुक्त्वाऽऽचार्यधर्ममाह। **आचार्य इति**। पुनस्तद्धर्ममाह। **शिक्षयन्तमिति**। **बलादिति**। तद्बान्धवै राज्ञा वेति भावः। अत एवाह। **वधेति**। **शिक्षितोऽपीति**। कृतकालात्प्रागिति भावः। **समाप्नुयादिति**। तन्निकटे समापयेदित्यर्थः। **तत्र** तद्गृहे। **समये** अतीते सति। **प्रदक्षिणं** सप्रदक्षिणम्। अर्घं आद्यजन्तम्। यथाश्रुतं वा। आचार्यप्रदक्षिणामिति पाठान्तरम्। 'शक्तितश्चानुमान्यैनामिति' पाठः। **एनं** आचार्यम् यथाशक्ति **अनुमान्य** तोषयित्वा स्वगृहं प्रति परावर्त्यागच्छतीत्यर्थः। **ताडनेति**। दण्डादिकृतेत्यर्थः। १८४॥

इत्यभ्युपेत्याशुश्रूषाख्यं विवादपदम्।

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१ मा. स्मृ. (५।४।३४)।

संविद्व्यतिक्रमप्रकरणः ॥ १५ ॥

याज्ञवल्कीये १८५ श्लोकः ।

संप्रतीति । अङ्गीकारत्यागस्य पूर्वत्र सत्त्वेन तत्प्रसङ्गादिति भावः । '**नैगमादीति**' **आदिना** श्रेण्यादित्रैविद्ययोर्ग्रहणम् । अस्यार्थमाह । **पारिभाषिकधर्मेणेति** । धर्मशास्त्रपरिभाषां कृत्वेत्यर्थः । एतेन तत्रत्यस्थितिशब्दो विशेषपर इति सूचितम् । तस्याप्यर्थमाह । **परिपालनमिति** । यद्यपि तच्छब्दस्य प्र॰॰न्तपरामर्शित्वात्परिपालनस्यैव विवादपदत्वं प्राप्नोति तथापि बाधात्तदसंभवः । कर्मेत्यन्तेनान्वयमुखेन संविद्व्यतिक्रमाख्यविवादपदस्य प्रतिपक्षभूतमुक्त्वा तद्विवादपदं स्मृतमित्युक्तं तदाह । **तद्व्यतिक्रम्यमाणमिति** । मूलमवतारयति । **तदुपक्रमार्थमिति** । प्रत्यासत्तेराह । **स्वेति** । नपुंसकत्वोपपत्तये बहुवचनलब्धं तत्पदार्थमाह । **ब्राह्मणव्रातमिति** । त्रैविद्यत्वादेरन्यतः सिद्धौ राजनियोज्यत्वासंभवादाह । **कृत्वेति** । शेषोऽयं कृत्वा चेत्यर्थः । अत एव **बृहस्पतिः**

"वेदविद्याविदो विप्रान् श्रोत्रियानग्निहोत्रिणः । आहूय स्थापयेत्तत्र तेषां वृत्तिं प्रकल्पयेत् ॥

"अनाच्छेद्यकरास्तेभ्यः प्रदेया गृहभूमयः । " इति ।

स्वशब्दार्थमाह । **वर्णेति** । बहुव्रीहिः । धर्मशब्दार्थमाह । **श्रुतीति** ॥ १८५ ॥

याज्ञवल्कीये १८६ श्लोकः ।

तैः ब्राह्मणैः । निजेत्यस्यार्थः । **श्रौतेति** । वर्णाश्रमनिमित्तकेत्यादिः । **समयात्** पारिभाषिकधर्मेण व्यवस्थानात् । सोऽपीति अपिना निजधर्मसमुच्चयः । एवमग्रेऽपि । **तथा** तद्वत् । **धर्म इति** । कृत इति शेषः । यावत्पथिकामिति वीप्सायामव्ययीभावः ॥ १८६ ॥

याज्ञवल्कीये १८७ श्लोकः ।

समयधर्मः सोऽपि । '**तदतिक्रमादाविति**' **आदिना** गणद्रव्यहरणग्रहणः । **पुनः** तु । आदिना देशः । अत एवाह । **साधारणमिति** । दण्डबाहुल्यादाह । **अयं चेति** । **अनुबन्धो** दोषः । अपराध इति यावत् । आदिना जात्यादिपरिग्रहः । एवमग्रेऽपि । **ग्रामदेश**शब्दौ तत्स्थजनबोधकौ जघन्यवृत्त्या । **संघो** वणिगादिसमूहः । इदमस्माभिः कार्यं परिहार्यं वेत्येवंरूपं संकेतं सत्यादिशपथेन कृत्वा तन्मध्ये यो नरो लोभादिनाऽतिक्रामेदित्याद्यर्थः ।

पक्षान्तराण्याह । **निगृह्येति** । निबध्येत्यर्थः । **समयव्यभिचारिणं** संविद्व्यतिक्रमकारिणम् । 'चतुःसुवर्णमि'त्यादि समाहारद्विगुः । 'चतुःसुवर्णानिति' पाठान्तरम् । राजतं शतमानं च विंशत्यधिकरक्तिकाशतत्रयपरिमितं रजतम् । **निर्वासनेति** । सर्वस्वहरणाद्यभावात् केवलनिर्वासनेत्यर्थः । **निष्कं** सुवर्णाश्चत्वारः । सुवर्णं कर्षमितम् । **शतमानेति** । राजतेत्यादिः । इदं त्रयं विषयलाघवगौरवापेक्षया व्यस्तं समस्तं वेति तु तद्व्याख्यातारः ॥ १८७ ॥

याज्ञवल्कीये १८८ श्लोकः ।

इदं च इदमपि । **तैः** ब्राह्मणैः । **गणिनां** समूहिनाम् । एवमग्रेऽपि । सर्वैरित्यस्य प्रकृतार्थमाह । **इतरैरिति** । अनतिप्रसंगायाह । **गणान्तर्गतैरिति** । अन्यवचनस्य अन्यकर्तृककरणासंभवादाह । **अ॰ सरणीयमिति** ।

(उत्तरार्धः)

अन्यथा तदननुसरणे । तत्रेत्यस्यार्थो **गणिनामिति** । विपरीत इत्यस्यार्थः **समूहेति** । **प्रतिबन्धेति** । प्रतिषेधेति पाठान्तरम् । **राज्ञेति** । स इति मौल एवादिः । यच्छब्दोपादानेन तस्यार्थसिद्धत्वात्तु तदनुक्तिरिति भावः । द्रममित्यस्यार्थः **साहसमिति** ॥ १८८ ॥

याज्ञवल्कीये १८९ श्लोकः ।

मूले समूहकार्ये इति सतिसप्तमी । तथा च निमित्तत्वं फलति । कार्यशब्दश्च तन्निष्पत्तिपरः । तदाह । **समूहकार्यनिर्वृत्त्यर्थमिति** । तेनोभयथाऽर्थान्तरनिरासः । प्रकृतत्वादाह । **स्वेति** । कृतेत्यस्यार्थो **निर्वर्तितेति** । मानोऽभ्युत्थानादिकृतः । सत्कारोऽर्घ्यपाद्यादिकृतः । स महीपतिरित्यन्वय इत्याह । **स राजेति** । पूजयित्वेत्यस्य तात्पर्यार्थे मुख्याभावादाह । **परितोष्येति** ॥ १८९ ॥

याज्ञवल्कीये १९० श्लोकः ।

समूहेति । समूहाय दत्तस्यापहारिणं मध्यस्थमित्यर्थः । समूहकार्याय प्रहित इति सुप्सुपेति समास इत्याह । **समूहकार्यार्थमिति** । तन्निष्पत्त्यर्थमित्यर्थः । प्रत्यासत्तेराह । **महाजनैरिति** । एवमग्रेऽपि । लिङर्थो न विवक्षित इत्याह । **लभते इति** । विधिफलमाह । **अप्रार्थित एवेति** । अत एवाग्रे स्वयमित्युक्तम् ।

तुर्यपादार्थमाह । **अन्यथेति** । साकांक्षत्वादाह । **लब्धादिति** । **एकादशगुणम्** एकादशभागम् । अपराधस्याल्पत्वात् ॥ १९० ॥

याज्ञवल्कीये १९१ श्लोकः ।

एवमिति । वक्ष्यमाणेत्यर्थः । चस्त्वर्थे व्युत्क्रमे च । विनिगमनाविरहादाह । **श्रौतेति** । एवमग्रेऽपि । धर्मलुब्धत्वस्य गुणत्वादाह । **अर्थेष्विति** । चिन्तनमात्रस्यानुपयोगादाह । **विचारका इति** । भवेयुरित्यत्र ण्यर्थान्तर्भाव इत्याह । **कर्तव्या इति** । अत एवावतरणमपि सङ्गच्छते । **तेषामिति** समूहेत्याद्यादिः । प्रत्यासत्तेराह । **इतरैरिति** । उक्तार्थे पौनरुक्त्यं परिहरति । **आदरेति** ॥१९१॥

याज्ञवल्कीये १९२ श्लोकः ।

इदानीं तदनन्तरम् । एकाभ्यां पण्याशिल्पाभ्यामित्यर्थः । पाशुपतादय **इति** । तन्त्राध्ययनपूर्वकानुष्ठातार इत्यर्थः । 'आदिना' पाञ्चरात्राद्यध्येतारः नैयायिकादयश्च । **नग्नाटः** दिगम्बरः । **आयुधीयादीति** । आयुधजीव्याधीनामित्यर्थः । साधारणमाह । **एकेति** । "समानकर्मकराः कारवः श्रेणयः, नानापौरसमूहा नैगमाः, प्रव्रज्यावसिताः पाषण्डिनः, गणो ब्राह्मणसमूह" इति **कल्पतरुः** ।

एवं पदार्थानुक्त्वा वाक्यार्थमाह । **एषामिति** । उत्तरार्धार्थमाह । **एषां चेति** । प्रसिद्धार्थासंभवात्प्रकृतार्थमाह । **धर्मेति** । **पूर्वोपात्तां** पूर्वदत्ताम् । अत एव **नारदः** (अ. १० श्लो. २।३)

"पाषण्डिनैगमश्रेणिपूगव्रातगणादिषु । संरक्षेत्समयं राजा दुर्गे जनपदे तथा ॥

"यो धर्मः कर्म यच्चैषामुपस्थानविधिश्च यः । यच्चैषां वृत्त्युपादानमनुमन्येत तत्तथा" इति ॥१९२॥

इति संविद्व्यतिक्रमप्रकरणम् ।

वेतनादानप्रकरणम् ॥ १६ ॥

संप्रतीति । तत्प्रसङ्गादेवेति भावः । **भृतानां** भृत्यानाम् । क्वचित्तथैव पाठः । दानादानयोर्विधी तयोः क्रम इत्यर्थः । पूर्वं नोक्तोऽस्यैवारम्भे उक्तत्वात् अत आह । **वक्ष्यमाणेति** । अत्रैवेति भावः । तदुक्तेः शेषमाह । **यत्रेति** ।

याज्ञवल्कीये १९३ श्लोकः ।

एवं स्मृत्यन्तरोक्तलक्षणके तत्र विवादे निर्णयप्रदर्शको मूलकृदिति मूलमवतारयति । **तत्रेति** । उक्ताख्यविवादपदे इत्यर्थः । आवहेदित्यस्यार्थो **दद्यादिति** । तृतीयपादार्थमाह । **यदेति** । 'सर्वं वाक्यमिति' न्यायेनाह । **अगृहीते एवेति** । तत्फलमाह । **न द्विगुणमिति** । अत्रैव विषये पक्षान्तरमाह । **यद्वाऽङ्गीति** । असममिति छेदः, तस्य बलादित्यर्थो, दाप्य इत्यस्य दत्त्वा कारणीय इत्यर्थ इति भावः । प्रतिश्रुत्याङ्गीकृत्येतिपूर्वान्वयि । **कार्यः** कारणीयः । **तेनैव, नारदेनैव** । तुर्यपादेनेति भावः । **भृतायेति** । भृताय भृत्यायादिमध्यावसानेषु यथाक्रममैच्छिककक्रममनतिक्रम्य उक्तसमयमैच्छिकमनातिक्रम्येति यावत् । तेन क्रमेण वेतनं दत्त्वा कर्म कारयेदिति शेषः । वेतनस्वरूपमाह । **कर्मण इति** । कर्मणोऽनुसारेण यत् मध्यस्थैर्विनिश्चितं कल्पितं द्रव्यं तद्वेतनमित्यर्थः । तथा चानेन भृतिस्वरूपमप्युक्तम् । तुर्यपादार्थमाह । **तैश्चेति** । उपकरणं तत्तत्कर्मयोग्यसामग्री । तत्र तां कृपावाह । **लाङ्गलादीनामिति** । **प्रग्रहो** रज्जुः । **योक्त्रं** केशादिनिर्मितम् । विधिसार्थक्यायाह । **इतरथेति** । तदरक्षणे इत्यर्थः ॥ १९३ ॥

याज्ञवल्कीये १९४ श्लोकः ।

अपरिच्छिद्य अनिश्चित्य । **यः** स्वामी । सः वाणिज्यादिभेदात्त्रिविध इत्याह । **वणिगित्यादि** । लिङ्गर्थोऽविवक्षित इत्याह । **कारयतीति** । **सः** त्रिविधः स्वामी । तस्य साकांक्षत्वादाह । **तस्मादिति** । वाणिज्यं च पशुश्च सस्यं चेति समाहारद्वंद्वात्पञ्चम्यन्तात्सार्वविभक्तिकस्तसिरित्याह । **वाणिज्येति** । पशुसस्यशब्दौ तत्कर्मोपलक्षकावित्याह । **कर्मणा इति** । यल्लब्धं तस्य इत्यनेनासंबद्धत्वं मूले निरस्तम् ॥ १९४ ॥

याज्ञवल्कीये १९५ श्लोकः ।

अनाज्ञप्तकारिणं आज्ञामुल्लंघ्यकारिणं भृत्यम् । कालं चेत्यस्य दर्पादिनोल्लंघयेदित्यन्वयः । किंभूतोऽत आह । **पण्येति** । तत्रैवेत्यादिः । आदिना क्रयः । उत्तरत्रादिनाऽऽलस्यादिः । अतीयादित्यस्यार्थ **उल्लंघयेदिति** । द्वितीयपादार्थमाह । **तस्मिन्नेवेति** । कुर्याच्चेति चो वार्थ इत्याह । **वेति** । प्राग्वदाह । **करोतीति** । तत्रेत्याद्यर्थमाह । **तस्मिन्नित्यादि** । तत्फलमाह । **न पुनरिति** । न त्वित्यर्थः । तुर्यपादार्थमाह । **यदेति** । स्वामितोऽपीति भावः ॥ १९५ ॥

याज्ञवल्कीये १९६ श्लोकः ।

अनेकभृत्येति । द्विप्रभृतिभिर्मिलित्वैतत्कर्मैतावत्या भृत्या क्रियते इति परिभाष्य क्रियमाणे कर्मणीत्यर्थः । पादत्रयस्यैकोऽर्थ इत्याह । **यदा पुनरिति** । आदावनेकभृत्यसाध्यकर्मस्वरूपमाह ।

१ ख–स्वामिनः ।

प्रकमे **ति** । उभयोरप्यसाध्यं चेदित्यस्यार्थमाह । **व्याध्याद्यभिभवादिति** । अन्यथाऽङ्गीकारस्यैवासंभवापत्तेरिति भावः । तस्येति शेषे षष्ठीत्याह । **तस्मा इति** । वेतनस्वरूपस्य पूर्वमुक्तत्वात्तदनुरोधेन तावत्पदार्थमाह । **तत्कृतेति** । तत्फलमाह । **न पुनरिति** । एकस्मिन्कर्मणि पञ्चभिः कर्मकरैर्दशभिः पणैर्भृत्या क्रियमाणे व्याध्यादिना चाशक्तैः सर्वैरपि तत्कर्म न निष्पादितं किं तु कियदेव, तत्र प्रतिपुरुषं पणद्वयं विभज्य साम्येन न देयम् अपि तु तत्तत्कर्मानुसारेण न्यूनाधिकं देयमित्यर्थः । एतेन तत्कर्मणि निष्पन्ने पूर्णे परिभाषितवेतनमपरिभाषितं स्वामिदत्तं कर्मकरा अपि स्वकृतव्यापारानुरोधेनैव विभज्य गृह्णीयुरिति सूचितम् ।

ननु न पुनः सममित्युक्त्या तत्कृतकर्मानुसारेण वेतनदानप्राप्त्याऽवयवशो विभज्य देयमिति लब्धं, तच्चानुपपन्नम् । कर्मणि समुदितनियतवेतनस्यैव परिभाषितत्वेन पृथक् पृथक् तदनुक्त्या परिभाषानुसारेण तत्र वेतनादानस्यैवौचित्यात् । अत आह । **न चेति** । नापीत्यर्थः । यद्यपि विभज्य दानमपरिभाषितं तथापि व्याध्यादिना तदसमाप्तेस्तत्र दोषाभावेन कर्मानुसारेण दातुमुचितमेवेति भावः ।

तुर्यपादार्थमाह । **साध्ये त्विति** । अस्यार्थमाह । **उभाभ्यामिति** । उभाभ्यामित्युपलक्षणं, बहुभिरित्यपि बोध्यम् । यथाश्रुतमित्यस्य व्याख्या **यावदिति** । प्राग्वदाह । **न पुनरिति** ॥१९६॥

याज्ञवल्कीये १९७ श्लोकः ।

अभ्युपेत्याशुश्रूषाख्ये विवादपदे ' शुश्रूषकः पञ्चविधः ' इत्युपक्रम्य ' चतुर्विधः कर्मकरः ' इत्यादिना तस्य तत्त्वमुक्त्वा भृतकत्रैविध्यं दर्शितम् ' उत्तमस्त्वायुधीयोऽत्रे 'त्यनेन । तत्र 'गृहीतवेतनः कर्मे' त्यनेनात्र कृषीवलभृतकवेतनविषये उक्तम् । अत एव तुर्यपादस्तत्र तथैव व्याख्यातः । सांप्रतमायुधीयभारवाहकभृतकौ प्रति विशेषं दर्शयतीत्याह । **आयुधीयेति** । यद्यप्यग्रे वचने व्युत्क्रमस्तथापि पूर्वक्रमेण पूर्वनिपातनियमेन वक्ष्यमाणाशयेन चैवमुक्तम् । **भाण्डं** पात्रादिकम् ।

"सर्वमावपनं भाण्डं पात्रामत्रं च भाजनम् " । **इत्यमरः** । (२ । ९ । ३३)

'स्याद्भाण्डमश्वाभरणेऽमत्रे मूले वणिग्धने' इति **स** एव (३।३।४३) नानार्थप्रकरणे ।

तत् । तादृशं भाण्डम् । वाहकेनेत्युपलक्षणमायुधीयस्यापि । मूले नष्टमित्यत्रान्तर्भावितो ण्यर्थ इत्याह । **नाशितमिति** । नाशानुसारेणेत्यत्र मानमाह । **तदाहेति** । **व्यसनं** । नाशम् । **दोषतः** दोषेण बुद्धिहीनत्वरूपेण । **तत्र** भाण्डे । अनेनोक्तार्थलाभः ।

उत्तरार्द्धार्थमाह । **यः पुनरिति** । **वासरे इति** । **तदानीं** प्रस्थानलग्नवेलायाः । द्वैगुण्ये हेतुमाह । **अत्यन्तोत्कर्षेति** । विवाहादिहेतुभूतप्रस्थाननिरोधादित्यर्थः । एवं च स्वतो दोषाल्पत्वेऽपि परतो दोषबाहुल्यमिति भावः ॥ २९७ ॥

याज्ञवल्कीये १९८ श्लोकः ।

किं चेति । अत्रैवान्यदप्याहेत्यर्थः । ' प्रक्रान्ते ' इत्यस्य प्रकृतत्वात्प्रस्थानमेव विशेष्यम् । मध्ये वेति तदर्थः । तदाह । **प्रक्रान्ते इति** । प्रत्यासत्तेराह । **भृतेरिति** ।

स्वविरोधमेव स्वस्याह । **नन्विति** । **अत्रैव,** प्रस्थानविघ्नकरणरूपे एव । तस्य सप्तमो भाग इत्यस्योच्यत इति शेषः । तदवसरस्ततः पूर्वमेव । अत एवाध्यवसिते इति व्याख्यातं न तु कृते इति । **प्रस्थानलग्नेति** । अत एव तत्र तथैव व्याख्यातम् ।

द्वितीयपादार्थमाह । **यः पुनरिति** । प्रक्रान्ते इत्यनुवर्तते । मार्गे समाक्रान्ते इत्यर्थः । तत्फलितमाह । **गमने इति** । यद्वा पथि मार्गे प्रक्रान्ते इत्यत्र वर्तमाने क्त इति तदर्थमाह । **गमने इति** ।

'त्याजकोऽपि चेति' व्याचष्टे । **यस्त्विति** । प्रत्यासत्तेरेवाह । **पूर्वोक्तेति** । त्रिष्वित्यर्थः । **एतच्चेति** । प्रस्थानविघ्नकृदित्यारभ्य यदुक्तं तत्सर्वमित्यर्थः । ननु एवं विषयविभागे किं मानम् अत आह । **भृत इति** । यो भृतः भृतिपरिक्रीतः भृत्यः । तथा पाठ एव वा । **अनार्त्तः** व्याध्यादिरहितः दर्पादहंकाराद्यथापरिभाषितं कर्म न कुर्यात्स कृष्णलानि अष्टौ दण्ड्यः । गुञ्जापरिमितं सुवर्णं **कृष्णलम्** । कृष्णलानित्यपपाठः । यावत्कर्म कृतं तस्य वेतनं च न देयमित्यर्थः । इतीत्यग्रे "अनार्ते मनुना सदण्डतदद्दानविधानात्" इति शेषः । **आदितः** आदौ यथोक्तं तथा कुर्यात् । 'सुदीर्घस्येति' हेतौ शेषे षष्ठी । चिरकालादपीत्यर्थः । **अपगतेति** । व्याध्युपसृष्टः पश्चान्निवृत्तव्याधिराद्यः । व्याध्यसंसृष्ट एव द्वितीयः । आदिना दर्पग्रहणम् । **वेतनमिति** । किंचिच्छेषकस्य कृतस्य कर्मण इत्यादिः । **स्वस्थो वा** । सुस्थो वेति पाठान्तरम् । तत् स्वारब्धेत्युपलक्षणं, न कुर्यादित्यपि बोध्यम् । अल्पेन कर्मणा न्यूनस्य कृतस्यापि कर्मणः वेतनं तस्य तस्मै न देयमित्यर्थः ॥ १९८ ॥

॥ इति वेतनादानप्रकरणम् ॥

अथ द्यूतसमाह्वयप्रकरणम् ॥ १७ ॥

अधुनेति । महाप्रकरणसङ्गत्येति भावः । द्यूतं च समाह्वयश्च तावाख्ये यस्य विवादपदस्य तदित्यर्थः । करणभेदेऽपि तत्स्वरूपस्यैक्यादेकत्वेन निर्देशः । अप्राणिभिरक्षादिभिः साध्यं देवनं **द्यूतं**, प्राणिभिः कुक्कुटादिभिः साध्यं देवनं **समाह्वय** इति विवेकः । तदेतदुभयं **नारदी**यव्याख्यानेन दर्शयति । **अक्षा इत्यादिना** । पाशक इत्यत्राल्पार्थे कन् । अत एवाग्रे । **दीर्घेति** । ब्रध्नशब्दो दन्त्योष्ठ्यादिः । **दन्तेति** । गजदन्तादिविकारभूता इत्यर्थः । 'रथादिकमिति' **आदिनोष्ट्रा**दिपरिग्रहः । **मूले** 'देवनमि'त्यस्यैव व्याख्या । **पणक्रीडेति** । अत्र शाकपार्थिवादिसमास इत्याह । **पणपूर्विकेति** । **तदुभयमिति** । जिह्मेन सभिकेन कारितमिति बोध्यम् । तत्र द्यूतेति नामनामिनोरभेदः । तदाह । **द्यूतेति** । पदमित्यस्यार्थो **विवादेति** । एकवचनोपपत्तये आह । **द्यूतं चेति** । समाहारद्वन्द्व इति भावः । **क्रियमाणः** क्रीडाविशेषः ।

याज्ञवल्कीये १९९ श्लोकः ।

एवं स्मृत्यन्तरोक्तलक्षणके तत्र विवादपदे सभिकवृत्तिप्रदर्शकं मूलमिति तदवतारयति । **तत्रेति** । उक्तपदे इत्यर्थः । **संप्रतिपत्तिः** संवादः । **पण इति** । न तु वराटकानामित्यादिलक्षित इति भावः । **तदाश्रया** ग्लहाश्रया । शतशब्दो न्यूनसंख्याया व्यवच्छेदको नाधिकसंख्याया इति तस्या अप्युपलक्षणमित्याह । **तदधिकेति** । वक्ष्यमाणस्यात्रापि संबन्ध इत्याह । **तस्मात् धूर्तेति** । यत्र द्यूते शतेन तदधिकैर्वा काकिण्यादिभिः परिकल्पितं पणं जयति यः स जेता शतिकादिवृद्धिः । तस्मात् द्यूतकारात्तज्जेतुः सभाधिकारी पञ्च काकिण्यादीन् गृह्णीयादिति भावः । तदाह । **जितग्लहस्येति** । प्रागुक्तसभापतिरत्र नेति सूचयन् तद्व्युत्पत्तिमाह । **सभेति** । न राजादिसभेति भावः ।

व्रीह्यादीति ठन्। फलितमाह । **कल्पितेति** । अक्षादिरूपाणि निखिलक्रीडाया उपकरणानि सामग्रीरूपाणि कल्पितानि सम्पादितानि येनेत्यर्थः । तत्र हेतुं सूचयन्नाह। **तदुपचितेति**। उत्तरार्धार्थमाह। **इतरस्मादिति**। अस्यैव व्याख्या **अपरिपूर्णेति**। अत एवायं कितव एव न तु धूर्त इति केचित्। वस्तुतोऽत्रापि तथैव पाठः ॥ १९९ ॥

याज्ञवल्कीये २०० श्लोकः ।

इत्यत आहेति पाठः । इत्याहेति पाठे इत्याशङ्कायामाहेत्यर्थः । कुत इत्याकाङ्क्षायामाह। **राज्ञेति**। **जितं** यदिति। शब्दत इति भावः। द्यूतकारिणामिति शेषे षष्ठी । दद्यादित्यस्यानुषङ्गः ।

तृतीयपादार्थे संमतिमाह । **तदुक्तमिति । तत्कृतं** कितवेन पणीकृतं देयं तत उद्धृत्य सभिको जेत्रे दद्याच्चेत्यर्थः ॥ २०० ॥

याज्ञवल्कीये २०१ श्लोकः ।

ससभिके इत्यस्यार्थः **सभिकेति**। धूर्तेत्यस्यार्थः **कितवेति** । प्राप्ते इत्यादिव्याख्या **सभिकेन चेति**। मूले स्थाने इति अव्ययं युक्तमित्यर्थकं, तदर्थमाह । **अविप्रतिपन्नमिति**। अर्थादाह । **पणमिति** । अन्यथेत्यनेनोक्तत्रितयव्यतिरेक उच्यते इत्याहोक्तक्रमेण । **प्रच्छन्ने इत्यादि**। **जेत्रे इति**। राजेति भावः ॥ २०१ ॥

याज्ञवल्कीये २०२ श्लोकः ।

प्रकृतत्वादाह। **द्यूतेति**। एतदर्थमाह। **सभ्या इति** । एवफलमाह। **न तत्रेति** । तद्विषये इत्यर्थः । वाक्यान्तरमाह । **साक्षिणश्चेति**। त एवेत्यस्य संबन्धादाह। **द्यूतकारा एवेति** । प्राग्वदाह। **न तत्रेति**। तद्विषये इत्यर्थः ।

(उत्तरार्धः)

क्वचित्, न तु सर्वत्र। कूटाक्षादिभिर्दीव्यतो दण्डविधानात्तादृशैरक्षादिभिर्देवनं निषिद्धम् । एवं सभिकराजाध्यक्षरहितस्थलेऽपि देवनं निषिद्धमिति बोध्यम्। **कूटैः** सकपटैः। अक्षपदमुपलक्षणमित्याह । **अक्षादीति**। **अक्षमालां** प्रकृताक्षादिमालाम् । सर्वज्ञानायेति भावः । **हि** यतः। **सः** कण्ठेऽक्षमालाबन्धपूर्वकविवासः। **एषां** कूटाक्षदेविनाम्। **विनयः** शिक्षेत्यर्थः।

विरोधं परिहराति। **यानि चेति**। 'कूटे' त्युपलक्षणं 'उपधेः' अपि। **राजेति**। अत एव पूर्वं तथा प्रतिपादितम् ॥ २०२ ॥

याज्ञवल्कीये २०३ श्लोकः ।

किं चेति। अन्यत्रापि तन्निषेद्धुं अन्यदपि द्यूतविषये आहेत्यर्थः । मुख्यपदार्थः । **प्रधानमिति**। विशिष्टतात्पर्यार्थमेवाह। **राजाध्यक्षेति**। कार्यतेऽनेनेति व्युत्पत्त्या कारणशब्दः फलपरः, कर्मधारयः, ल्यब्लोपे पञ्चमीत्याह। **तस्करेति**। अन्यथा कारणादित्यस्य वैयर्थ्यं स्पष्टमेव। तात्पर्यार्थमाह। **प्रायश इति**।

अत एव **मनुः**, (अ. ९ श्लो. २२१। २२२। २२५-२३०)

" द्यूतं समाह्वयं चैव राजा राष्ट्रान्निवारयेत् । राज्यान्तकरणावेतौ द्वौ दोषौ पृथिवीक्षिताम् ॥
" प्रकाशमेतत्तास्कर्यं यद्देवनसमाह्वयौ । तयोर्नित्यं प्रतीघाते नृपतिर्यत्नवान् भवेत् ॥
" कितवान्कुशीलान् चौरान् पाखण्डस्थांश्च मानवान् । विकर्मस्थान् शौण्डिकांश्च क्षिप्रं निर्वासयेत्पुरात् ॥
" एते राष्ट्रे वर्तमाना राज्ञः प्रच्छन्नतस्कराः । विकर्मक्रियया नित्यं बाधन्ते भद्रिकाः प्रजाः ॥
" द्यूतमेतत्पुरा कल्पे दृष्टं वैरकरं महत् । तस्माद् द्यूतं न सेवेत हास्यार्थमपि बुद्धिमान् ॥
" प्रच्छन्नं वा प्रकाशं वा तन्निषेवेत यो नरः । तस्य दण्डविकल्पः स्याद्यथेष्टं नृपतेस्तथा ॥
" क्षत्रविट्शूद्रयोनिस्तु दण्डं दातुमशक्नुवन् । आनृण्यं कर्मणा गच्छेद्विप्रो दद्याच्छनैः शनैः ॥
" स्त्रीबालोन्मत्तवृद्धानां दरिद्राणामरोगिणाम् । शिफाविदलरज्ज्वाद्यैर्विदध्यान्नृपतिर्दमम् ॥ " इति ।

अस्य द्यूतत्वाभावाल्लक्ष्यार्थं तस्याह । **निर्वर्त्त्यै इति** ॥ २०३ ॥

इति द्यूतसमाह्वयाख्यं प्रकरणम् ।

अथ वाक्पारुष्यप्रकरणम् ॥ १८ ॥

प्राग्वदाह । **इदानीमिति । जाति**र्ब्राह्मणत्वादिः । **कुलं** वंशपरम्परा । **नारदीयं** व्याचष्टे । **देशादीनामिति । अवद्यं** गर्ह्यम् । प्रत्येकयुक्तत्वं न विवक्षितमित्याह । **तदुभयेति ।** अर्थशब्दः प्रयोजनवाचीत्याह । **उद्वेगेति ।** देशाद्याक्रोशानुदाहरणत आह । **तत्रेति ।** तेषां मध्ये इत्यर्थः । **देशाक्रोशः** देशनिन्दा । **लोलुपः** सतृष्णः । **चरित**माचरणम् । वैश्वामित्रास्तत्पुत्रास्तत्पुत्रादयः । **स्वविद्येति ।** साक्षात्पुरुषनिन्दामकुर्वता तन्निन्दाशयेनैव स्वयं विद्वानपि अविद्वानिव स्वीयविद्याशिल्पादिनिन्दया यत्र तद्विद्याविषयनैपुण्यमस्ति यत्र वा शिल्पविद्यायां परः कुशलस्तद्विद्वज्जनाद्यधिक्षेप इत्यर्थः ।

तस्य चेति । वाक्पारुष्यस्येत्यर्थः । त्रैविध्येऽन्वयः । तत्र चेति पाठान्तरम् । तदाऽव्यवहितान्वयः । **दण्डेति ।** दण्डवैषम्याभिधानार्थमित्यर्थः । **निष्ठुरेति ।** तद्रूपसंज्ञाभेदेनेत्यर्थः । **तल्लक्षणं** निष्ठुरादिलक्षणमपि । **तेनैव नारदेनैव । तदपि** वाक्पारुष्यमपि । **तस्य** त्रिविधस्य । निष्ठुराक्षेपादश्लीलाक्षेपो गुरुः ततस्तीव्राक्षेपो गुरुरित्यर्थः । साक्षेपमित्यादि व्याचष्टे । **तत्रेति ।** तेषां मध्ये इत्यर्थः । त्वामित्यस्य विशेषणद्वयम् । धिग्योगे द्वितीया । 'जाल्मोऽसमीक्ष्यकारी स्यात्' (**अमरः** ३ । १ । १७) ।

ननु पूर्वं न्यङ्गमवद्यमित्युक्तम् । तच्चावद्यत्वं निष्ठुरादिषु त्रिषु वाक्पारुष्यभेदेषु साधारणमिति अत्राश्लीलरूपवाक्पारुष्यस्य न्यङ्गसंयुतमिति विशेषलक्षणकथनमयुक्तम् अत आह । **अत्रेति ।** तथा चासभ्यरूपोऽवद्यविशेषो न्यङ्गशब्दार्थ इति भावः । तत्स्वरूपमाह । **भगिनीति ।** पतनीयैरित्यत्र साकांक्षत्वाच्छेषमाह । **युक्तमिति ।**

याज्ञवल्कीये २०४ श्लोकः ।

अथ मूलमवतारयति । **तत्रेति ।** तेषां मध्ये इत्यर्थः । असवर्णविषये वक्ष्यमाणत्वादाह । **सवर्णेति ।** न्यूनाङ्गेत्यत्र द्वंद्वोत्तरपदकबहुव्रीहिपूर्वपदकद्वंद्व इत्याशयेनाह । **न्यूनाङ्गा इति ।** तस्य व्याख्या । **करचरणादीति ।** न्यूनेन्द्रिया इत्यस्य व्याख्या । **नेत्रेति ।** यथासंख्येन नान्वय इत्याह । **तेषामिति ।** अन्यथेत्यादेर्व्याख्या । **निन्दार्थेति ।** सत्यादिस्वरूपमुदाहरणेन

वाक्यार्थमध्ये एवाकांक्षानिवृत्तये आह । **यत्रेति** । क्षेपार्थौ । **भर्त्सनमिति** । अर्धोऽधमेष्विति वक्ष्यमाणैकमूलकल्पनालाघवानुरोधेनार्धन्यूनास्त्रयोदशेति मूले समास इत्याशयेनाह । **अर्धाधिकद्वादशेति** ।

नन्वेवं **मनुना** कार्षापणादन्यूनदण्डाभिधानात्तस्य च षोडशपणात्मकत्वात्तेन विरोध इत्याह । **काणं वेति** । **खञ्जं** पादविकलम् । अन्याङ्गविकलमपि वा । **तथ्येन** सत्येनापि काणादिशब्देन । 'अपिना'ऽसत्यादिसमुच्चयः । कार्षापणः अवरो यस्मिन्दण्डे स तादृशः अत्यन्ताल्पः कार्षापणो न तु ततो न्यून इत्यर्थः । तं परिहरति । **तदतिदुर्वृत्तेति** । आचारादिभिरत्यन्तनिकृष्टसवर्णेत्यर्थः । तथा च तादृशसवर्णेन यदि सवर्ण एवाक्षिप्यते तथा, तदा तद्विषय एव दण्डो न सर्वविषय इति विषयभेदान्न विरोध इति भावः ।

विशेषमाह । **यदा पुनरिति** । **शतं** पणाः । **तेनैव मनुनैव** । **आक्षारयन्** । अभिशपन्[1] । **अददत्** अत्यजन् ।

ननु जायायाः शापे मात्राद्यभिशापसाम्येन दण्डविधानं न युक्तमत आह । **एतच्चेति** । **गुरुषु** पूज्येषु । गुरुभिर्निं निमित्तम् । एतेन भार्यादीनां तत्साम्येन दण्डविधानं समाधेयमिति **कुल्लूक**भट्टोक्तं समाहितम् । **मेधातिथि**स्त्वाक्षारणं भेदनमुक्त्वा तनयं गुरुमिति पाठमङ्गीकृत्य मात्रादीनां मिथो भेदनकर्तुरयं दण्डविधिरिति व्याख्यातवान् ॥ २०४ ॥

याज्ञवल्कीये २०५ श्लोकः ।

मूले हशब्दश्चार्थे, तत्समुच्चेयमाह । **अन्यं वेति** । तदर्थमेवाह । **त्वज्जायामिति** । पञ्चविंशतिकमित्यस्य व्याख्या । **पणानामिति** ॥ २०५ ॥

याज्ञवल्कीये २०६ श्लोकः ।

अश्लीलाक्षेपे एव स्थलविशेषे दण्डविशेषप्रतिपादकं मूलमित्याह । **एवमिति** । **गुणो** वृत्तादिः । **वर्णिषु** सवर्णेषु । **विषमगुणेषु** तेष्वेव । पूर्ववाक्यस्य संख्यापेक्षयाऽत्रार्द्धद्वैगुण्यादिप्रतिपादनादश्लीलाक्षेपविषयकमेवेदम् । तत् ध्वनयन्वक्ष्यति व्याख्याने **पूर्वेत्यादि** । साकाङ्क्षात्वादाह । **आक्षेप्त्रपेक्षयेति** । अधमत्वं न जातिकृतं,तत्र तस्य वक्ष्यमाणत्वात् । अत आह । **न्यूनवृत्तेति** । आकाङ्क्षानिरासायाह । **पूर्वेति** । **अविशेषेणेति** । आक्षेप्त्रपेक्षया न्यूनवृत्तस्याधिकवृत्तस्य समवृत्तस्य वा भार्येति यथाकथंचित्परभार्यात्वमत्र विवक्षितम् । अत एवाविशेषेणेत्युक्तम् । अन्यूनवृत्तसंबन्धित्वे भेदेनोक्त्यसङ्गतिर्द्विगुणदण्डासङ्गतिश्च । अधिकवृत्तादिसंबन्धित्वेऽप्याद्यदोष एव । समवृत्तादिसंबन्धित्वेऽपि तथा । पूर्वत एव प्राप्तत्वात् । तस्मात्त्रितयभिन्नविषयकं तदिति भावः ।

न च पूर्वपद्यव्याख्यावसरे "अन्यं वा त्वज्जायाम्" इत्याद्युक्त्वा पञ्चविंशतिको दम उक्तः, इह तु पञ्चाशत्पणात्मक इति मिथो विरोध इति वाच्यम् । पूर्वत्र भार्याद्वारा पुरुषस्याक्षेपे दण्डविशेष उक्तः, अत्र तु परभार्याया एवाक्षेपे विशेष उच्यत इति भेदात् ।

(उत्तरार्धः)

वर्णानां ब्राह्मणादीनाम् । **कल्पनां** न तु दण्डम् । चतुर्णां युगपत् द्वंद्वभ्रमाभावायाह । **वर्णाश्चेत्यादि** । क्रमविवक्षया न दोषः । यथासंख्यमप्यत एव सिद्धम् । प्रत्यासत्तेरन्यस्याभावाच्चाह । **परस्परमिति** । कल्पनामेवाह । **प्रकर्षेणेति** ।

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1 फ–अभिशापयन् ।

विशेषं तत्राह । **तच्चेति** । विशेषो विशेषणम् । शेषो इति पाठेऽप्येवम् । **उत्तराधरभावेति** । वर्णकर्तृको जातिविषयकः जातिकर्तृको वर्णविषयको वा य आक्षेपस्तदनुरोधेनेत्यर्थः । तत्र ब्राह्मणकर्तृकमूर्द्धावसिक्तविषयकाक्षेपे आह । **यथेति** । प्रातिलोम्येतिवक्ष्यमाणवचनेन क्षत्रियकर्तृकब्राह्मणविषयाक्षेपे ब्राह्मणकर्तृकक्षत्रियविषयाक्षेपे च क्रमेण प्रतिपादितं शतपणं पञ्चाशत्पणात्मकं च बुद्धिस्थीकृत्याह । **क्षत्रियाक्षेपेति** । ब्राह्मणकर्तृकक्षत्रियविषयाक्षेपेत्यर्थः । किंचित् अधिकं यस्मिन्निति बहुव्रीहिः । पदद्वयं वा । किंचिदिति पादाशयकम् । स चात्र शतापेक्षया चतुर्थांशः । तथा च तत् पादाधिकं तत्स्वरूपमाह । **पञ्चसप्तत्यात्मकमिति** ।

क्षत्रियकर्तृकमूर्द्धावसिक्तविषयाक्षेपे दण्डमाह । **क्षत्रियोऽपीति** । **तं** मूर्द्धावसिक्तम् । **ब्राह्मणाक्षेपेति** । क्षत्रियकर्तृकब्राह्मणविषयकाक्षेपेत्यर्थः । **ऊनं** पादोनम् । तदेवाह । **पञ्चेति** । अर्हतीत्यस्यानुषङ्गः । मूर्द्धावसिक्तस्य ब्राह्मणापेक्षया न्यूनत्वात् क्षत्रियापेक्षया अधिकत्वात् क्षत्रियकर्तृकब्राह्मणाक्षेपनिमित्ताच्छतदण्डान्न्यूनः , ब्राह्मणकर्तृकक्षत्रियाक्षेपनिमित्तात्पञ्चाशत्पणादधिकः पञ्चसप्तत्यात्मक एव दण्ड इत्यर्थः ।

द्वितीये आह । **मूर्द्धावसिक्तोऽपीति** । **तावाक्रुश्येति** । ब्राह्मणक्षत्रियावाक्रुश्येत्यर्थः । यद्यपि तद्भेदेनापि दण्डव्यक्तिर्भिन्ना तथापि जात्यैक्यादाह । **तमेव दण्डमिति** । मूर्द्धावसिक्तस्य क्षत्रापेक्षयाऽधिकत्वेन क्षत्रकर्तृकब्राह्मणविषयाक्षेपनिमित्तकशतदण्डापेक्षया पादोनं शतं पञ्चसप्तत्यात्मक एव दण्डो मूर्द्धावसिक्तेन ब्राह्मणाक्षेपे कृते, तथा मूर्द्धावसिक्तस्य ब्राह्मणापेक्षया न्यूनत्वेन ब्राह्मणकर्तृकक्षत्रियाक्षेपनिमित्तदण्डात्पञ्चाशत्पणात्मकात्पादाधिकः पञ्चसप्तत्यात्मक एव दण्डो मूर्द्धावसिक्तेन क्षत्रियाक्षेपे कृते, इत्युभयथाऽपि तावानेव दण्ड इत्यर्थः ।

एवं वर्णजात्योर्मिथ आक्षेपे दण्डमुक्त्वा जातिष्वेव ब्राह्मणात् क्षत्रियायां वैश्यायां च जातयोर्मूर्द्धावसिक्ताम्बष्ठयोर्मिथ आक्षेपे दण्डमाह । **मूर्द्धेति** । अत्र ब्राह्मणस्थानीय आद्यः । क्षत्रियस्थानीयोऽन्त्यः । तथा चाम्बष्ठेन मूर्द्धावसिक्ताक्षेपे शतं, विपरीते तु पञ्चाशदिति व्यवस्था विज्ञेया ।

वर्णानुलोमप्रतिलोमापवादे तु पूर्वोक्तन्यायेन पादोनः पादाधिको वा दण्डः । अत्र पञ्चाशदपेक्षया पादक्लृप्तिर्न शतापेक्षया । तथा च क्षत्रियापेक्षयाऽम्बष्ठस्य न्यूनत्वाद्वैश्यापेक्षया दण्डः पञ्चविंशत्यात्मकस्तस्मात्पादाधिकः सार्द्धसप्तत्रिंशदात्मको दण्डो भवति । ब्राह्मणेन निषादाक्षेपे पादोनैकोनविंशतिपणानां दण्डः । अत्र पञ्चविंशत्यपेक्षया पादव्यवस्था । ततश्च वैश्यापेक्षया न्यूनत्वान्निषादस्य शूद्रापेक्षयाऽधिकत्वाच्च ब्राह्मणेन वैश्याक्षेपे यो दण्डः पञ्चविंशत्यात्मकस्तदपेक्षया पादन्यूनो ब्राह्मणेनैव शूद्राक्षेपे यः सार्द्धद्वादशपणात्मको दण्डस्तदपेक्षया पादाधिकः पादोनैकोनविंशत्यात्मको दण्डः ।

निषादेन ब्राह्मणाक्षेपे पञ्चसप्तत्यधिकं शतं दण्डः । अत्रापि पुनः शतापेक्षयैव पादव्यवस्था। तथा च शूद्रापेक्षया निषादस्याधिकत्वेन वैश्यापेक्षया च न्यूनत्वेन शूद्रेण ब्राह्मणाक्षेपे यो दण्डो वधात्मकः शारीरस्तस्मादर्थदण्डस्य न्यूनत्वेन शूद्रकृतब्राह्मणाक्षेपनिमित्तकदण्डात्किंचिन्न्यूनो वैश्येन ब्राह्मणाक्षेपे यो दण्डः सार्धशतं तस्मात्किंचिदधिकः पञ्चसप्तत्यधिकं शतं दण्डो भवति ।

अम्बष्ठेन ब्राह्मणाक्षेपे पञ्चविंशत्यधिकं शतं दण्डः । वैश्यतोऽम्बष्ठस्याधिकत्वेन क्षत्रियतो न्यूनत्वेन च वैश्येन ब्राह्मणाक्षेपे सार्धशतं यो दण्डस्तस्मान्न्यूनः क्षत्रियकर्तृकब्राह्मणाक्षेपे यो दण्डः शतात्मकस्तस्मादधिकः पञ्चविंशत्यधिकं शतं दण्डो भवति ।

मूर्द्धावसिक्तकर्तृकब्राह्मणविषयाक्षेपे यः पूर्वं दर्शितः स एव वर्णजात्यानुलोम्यप्रातिलोम्यापवादे कल्पनाक्रमः । जातिष्वेवानुलोम्यप्रातिलोम्यापवादे तु ब्राह्मणक्षत्रियविशामिव मूर्द्धावसिक्ताम्बष्ठनिषादानामपि यथाक्रमं पञ्चाशत्पञ्चविंशतिसार्द्धद्वादशसार्धशतपञ्चाशदात्मकदण्डस्योहनं ज्ञेयम् । यथा संनिहिताधिकापेक्षयाऽधिको दण्डो व्यवहिताधिकाक्षेपे तथैव संनिहितन्यूनापेक्षया न्यूनो दण्डो व्यवहितन्यूनाक्षेपे इति । तदाह । **एवमिति** ॥ २०६ ॥

एवं सर्ववर्णेति । सर्वे च वर्णाश्चेति समासः । **सर्वे** मूर्द्धावसिक्तादयः । **वर्णाः** ब्राह्मणादयः । **एवेन** जातिव्यवच्छेदः । मिथ इति शेषः । प्रातिलोम्यानुलोम्याभ्यामाक्षेपे इत्यर्थः ।

याज्ञवल्कीये २०७ श्लोकः ।

अपवादो बाधो नात्र विवक्षित इत्याह । **अधिक्षेपा इति** । "अपवादस्तु निन्दायामाज्ञाविश्रम्भयोरपि." इति **विश्वः** । **ब्राह्मणेति** । तद्विषयकेत्यर्थः । **पूर्ववाक्यीयद्विगुणेति** । अर्धोऽधमेषु द्विगुण इत्यत्रोपात्तद्विगुणेत्याद्यर्थः । वाक्याद्वीतिपाठे तत्संबन्धिद्विगुणपदेत्याद्यर्थः । द्वैगुण्यं त्रैगुण्यं चोदाहरणेनाह । **शतेत्यादि** । अविरोधायोभयोक्तेः फलं कथयन् न्यूनतां निराचष्टे । **शूद्रस्येति** । ब्राह्मणविषयकाक्रोशे इत्यर्थः । **अध्यर्द्धशतमिति** । सार्धशतमित्यर्थः । तत्रैव पक्षान्तरमाह । **द्वे वेति** । लाघवगौरवापेक्षया विकल्पः । **वधं** ताडनादिरूपम् ।

अत्र 'दमा' इति बहुवचनं निमित्तभूतवर्णापराधबाहुल्याभिप्रायेण । तथा हि क्षत्रियवैश्याभ्यां ब्राह्मणे वैश्यशूद्राभ्यां क्षत्रिये शूद्रेण वैश्ये एवमानुलोम्येनापीति तद्बाहुल्यम् । तदेतदभिप्रेत्यैव ब्राह्मणविषयकक्षत्रियवैश्यकर्तृकापराधे यो न्याय उक्तस्तं क्षत्रियविषयकवैश्यशूद्रकर्तृकापराधेऽप्यतिदिशति । **विट्शूद्रयोरपीति** । **अनन्तरः** संनिहितः । **एकान्तरः** एकेन व्यवहितः । यथा ब्राह्मणादनन्तरैकान्तरयोः क्षत्रियवैश्ययोर्ब्राह्मणविषयापराधे दण्डस्तथैव क्षत्रियादनन्तरैकान्तरयोर्वैश्यशूद्रयोरपीत्यर्थः । ब्राह्मणानन्तरेण क्षत्रियेण ब्राह्मणाक्रोशे शतमिव वैश्यानन्तरेण शूद्रेण वैश्याक्रोशेऽपि शतमित्याह । **शूद्रस्य चेति** ।

वर्णानामि**त्युत्तरार्धं** व्याचष्टे । **आनुलोम्येन त्विति** । शेषमाकांक्षितं प्रकृतमाह । **आक्रोशे इति** । 'तस्मादिति' **मौलस्य** व्याख्या **ब्राह्मणाक्रोशेति** । क्षत्रियकर्तृकब्राह्मणविषयाक्षेपनिमित्तात् क्षत्रसंबन्धिशतपरिमितदण्डादित्यर्थः । प्रत्यासत्तेराह । **प्रतिवर्णमिति** । ब्राह्मणेन क्षत्राक्षेपे **कृते** शतादर्धं पञ्चाशत् दण्डः, तेनैव वैश्याक्षेपे कृते पञ्चाशतोऽर्धं पञ्चविंशतिः, तेनैव च शूद्राक्षेपे **कृते** पञ्चविंशतेरर्धं सार्द्धद्वादशपणा इति विवेकः । वीप्सेयम् । हानित इत्यपादानपञ्चम्यन्तात्तसिरित्याह । **हानिं कृत्वेति** । अत एव शेषं साकाङ्क्षमाह । **अवशिष्टमिति** । **अर्धेति** । अर्धन्यूनत्रयोदशेत्यर्थः । **पञ्चाशत्** पणान् । **क्षत्रियस्येति** । क्षत्रियविषयकेत्यर्थः । **वैश्ये** अभिशस्ते सति । एवमग्रेऽपि । ब्राह्मणो दण्ड्यः स्यादित्यर्थः । **द्वादशक इति** । सार्द्धः । परिमाणे कन् ।

उक्तरीत्यैवोक्तन्यायमन्यत्राप्याह । **क्षत्रियेणेति** । अत्राद्ये **गौतम**संमतिमाह । **ब्राह्मणराजन्यवदिति** । तयोस्तादृशयोर्यथा न्यायस्तथाऽनयोरपि तादृशयोरित्यर्थः । द्वितीये **मनु**संमतिमप्याह । **विडिति** । वैश्यशूद्रयोः स्वजातिं प्रति अन्योन्यजातिं प्रति आक्रोशे एवमेव ब्राह्मणक्षत्रियवत् । वैश्ये शूद्राक्रोशिनि प्रथमसाहसः, शूद्रे वैश्याक्रोशिनि मध्यमसाहस इत्येवं रूपं दण्डप्रणयनं जिह्वाच्छेदरहितं तत्त्वतो यथावत्कर्तव्यमिति शास्त्रनिश्चय इत्यर्थः । अस्य हि—

"छेदवर्जं प्रणयनं दण्डस्येति विनिश्चयः ।" इत्युत्तरार्द्धम् । (**मनुः** ८ । २७६)

"ब्राह्मणक्षत्रियाभ्यां तु दण्डः कार्यो विजानता । ब्राह्मणे साहसः पूर्वः क्षत्रिये त्वेव मध्यमः॥"

इति पूर्वपद्यं च । ब्राह्मणक्षत्रियाभ्यां मिथः पतनीयाक्रोशे कृते दण्डशास्त्रज्ञेन राज्ञा दण्डः कार्यः । दण्डमेव विशेषेणाह । **ब्राह्मणेति** । ब्राह्मणे क्षत्रियाक्रोशिनि प्रथमसाहसः कार्यो ब्राह्मणाक्रोशिनि पुनः क्षत्रिये मध्यमसाहस इति तदर्थः । एवं च तदपि पतनीयाक्रोशविषयमेव यद्यपि तथापि तुल्यन्यायतयाऽत्रोपन्यस्तं व्याख्यात्रा । अनेन च **मनुना**—

"एकजातिर्द्विजातींस्तु वाचा दारुणया क्षिपन् । जिह्वायाःप्राप्नुयाच्छेदं जघन्यप्रभवो हि सः॥"

(ना. अ. १५।२२)

इति स्वयमेव प्रागुक्तो जिह्वाछेदो वैश्ये निवारितो ब्राह्मणक्षत्रियाक्रोशविषय एवावतिष्ठते । शूद्रो द्विजातीन् पातकादिना वाचाऽऽक्रुश्य जिह्वाछेदं लभते, यस्मादसौ पादाख्याच्चिकृष्टाङ्गाज्जात इति तदर्थः ॥ २०७ ॥

याज्ञवल्कीये २०८ श्लोकः ।

सत्यासत्यान्यथास्तोत्रैरित्यनेनोक्तत्वादाह । **पुनरिति** । सिंहावलोकनन्यायेनेति भावः । **अधिकृत्येति** । बुद्धिस्थीकृत्येत्यर्थः । द्वंद्वतोऽर्थान्तरनिरासायाह । **प्रत्येकमिति** । युगपत्तदसंभवादिति भावः । वाचिके इत्यस्य व्याख्या । **वाचेति** । तदेवोदाहरणेनाह । **तवेति** । करादिष्विति विषयसप्तमीत्याह । **वाचिके इति** । अत्र वाचिके इत्युक्त्याऽस्य निष्ठुराक्षेपविषयत्वं स्पष्टम् । एवमग्रेऽपि ॥ २०८ ॥

याज्ञवल्कीये २०९ श्लोकः ।

किं चेति । अन्यदपि तद्विषये उच्यते इत्यर्थः । त्वर्थमाह । **यः पुनरिति** । एवं यदभित्यस्यार्थमाह । **त्वदिति** । शक्त इत्यस्यार्थः **समर्थ इति** । अर्थादाह । **क्षीणशक्तिरिति** । तथेत्यस्यार्थः **पूर्ववदिति** । अत्र विषये दण्डस्योक्तत्वादत्रानुक्तिरित्याह । **पूर्वोक्तेति** ॥ २०९ ॥

याज्ञवल्कीये २१० श्लोकः ।

पतनीये करणे अनीयर् इत्याह । **पातित्यहेतुभिरिति** । **वर्णिनामिति** । मिथ इति शेषः । इदमपि क्षत्रियकर्तृकब्राह्मणाक्षेपविषयं, प्रागुक्त**मनोः** अन्यत्र तथैव कल्पना बोध्या इति केचित् । वर्णिपदं मूर्द्धावसिक्तादिजातीनामप्युपलक्षणम् । तथा च जातिष्वपि मिथः पतनीयैराक्षेपे मध्यमसाहसः, उपपातकैराक्षेपे प्रथमसाहस इत्येव निर्णयः । वर्णजात्योर्मिथ आक्षेपेऽपि पूर्वोक्त एव दण्डः । वर्णिष्वपि

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१ ख-क-सत्यासत्यान्य... ।

न्यूनाधिकभावं विना मध्यमसाहसादिदण्डविधानादितरत्रापि तथा कल्पनस्य प्रामाणिकत्वात् इति बोध्यम्। 'युक्ते तु'इत्यर्थमाह। **संबद्धे पुनरिति** ॥ २१० ॥

याज्ञवल्कीये २११ श्लोकः।

किं चेति। प्राग्वत्। अत्र जातिपदमुभयपरमित्याह। **ये पुनर्ब्राह्मणेति**। अन्यथा न्यूनतापत्तेरिति भावः। जातिपूगानामित्येकं निमित्तं न तु द्वंद्व इत्याह। **जातीनां पूगा इति**। अयं चात्र सामान्यतः समुदायवाचीत्याह। **संघा इति**। अत्र बहुवचनबलात् तेषां प्रत्येकं संघा यथाकथञ्चित् मिलितानां वा संघा इति विवक्षितम्। सर्वथाऽपि स एव दण्ड इति बोध्यम्। प्राग्वदाह। **प्रत्येकमिति** ॥ २११ ॥

इति वाक्पारुष्यप्रकरणम्।

अथ दण्डपारुष्यप्रकरणम् ॥ १९ ॥

अथ द्वितीयं पारुष्यमाह। **दण्डेति**। **च**स्त्वर्थे। गात्रशब्द उपलक्षणमन्यस्यापि। तत्र विनिगमकाभावात् सर्वमित्याह। **स्थीवरेति**। तात्पर्यार्थद्वयं **हिंसनमित्यादि**। अत्र दुःखं कायिकं बोध्यम्। करीषेति पाठः। उपघातपदस्य तस्यासम्भवात्। तदन्वयासम्भवेन पृथगुक्तेराह। **संस्पर्शनेति**। अत एवाह। **मन इति**। अस्यान्वर्थमाह। **दण्ड्यते इति**। पर इति शेषः। दुःखमुक्तः क्रियते इत्यर्थः।

एवं **नारदो**क्त्या दण्डपारुष्यस्वरूपमुक्त्वा तयैव तद्भेदानप्याह। **तस्य चेति**। दण्डपारुष्यस्य चेत्यर्थः। **अवगोरणादिकरणभेदेनेति**। तद्रूपसाधनभूतकारकभेदेनेत्यर्थः। **द्रव्यरूपकर्मेति**। तद्रूपकर्मकारकत्रैविध्यादित्यर्थः। **पुनः** अपि। **त्रैविध्यं** तदेव। **तेनैव नारदे**नैव। दण्डपारुष्यं शरीरस्य विरूक्षीकरणं तत्र विरूक्षीकरणाख्ये व्यापारेऽवगोरणादीनि त्रीणि करणानि तद्भेदात्त्रैविध्यं, यत्र शरीरे विरूक्षीकरणं भवति तत्कर्मकारकं तस्य हीनत्वादिनाऽपि त्रैविध्यमेवेत्यर्थः। **तस्यापीति**। दण्डपारुष्यस्य। **हीनमध्योत्तमक्रमात्** तत्क्रममादाय। ल्यब्लोपे पञ्चमी। प्रवृत्तैरवगोरणादिभिस्त्रिभिः करणैर्हीनमध्योत्तमानां द्रव्याणां समतिक्रमात् त्रैविध्यमपि दृष्टमित्यर्थः। **च**ः पादपूरणे। तथा चावगोरणादिषु करणेषु पाठक्रमादेव हीनत्वादिकं बोध्यम्।

ननु करणकारककर्मकारकभेदात्षड्विधत्वं, त्रैविध्यमनुपपन्नम्, अत आह। **त्रिण्येवेति**। तत्र कण्टकशोधने इति पाठः। तत्र एवंविधे दण्डपारुष्ये कण्टकशोधने दुष्टशिक्षायां क्रियमाणायाम् अपराधानुसारेण शिक्षार्थं दण्डपारुष्यरूपाणि साहसानि हीनदण्डपारुष्यमध्यमदण्डपारुष्योत्तमदण्डपारुष्यरूपप्रकारत्रययुक्तानि त्रीण्येवेत्यर्थः। कर्मकरणभेदेऽपि हीनत्वादिनाऽनुगमेन तद्व्यपदेशयुक्तत्वात्त्रिप्रकारकमेवेति भावः। ननु साहसतोऽस्य भेदस्य वक्ष्यमाणत्वात्कथं साहसानीत्यत आह। **त्रीण्येवेति**। साहससामान्यलक्षणाक्रान्तत्वस्यात्रापि वक्ष्यमाणत्वादिति भावः।

एवं **नारदो**क्त्या सभेदं दण्डपारुष्यस्वरूपमुक्त्वा वाक्पारुष्यसाधारणधर्मान् तयैव प्रतिपादयितुं तेषां स्वरूपं क्रमेणाह। **तथेति**। 'उभयोरपीति' विषयसप्तमी। प्रवृत्तकलहयोर्द्वयोर्मध्ये इत्यन्वयः। पूज्य एवेति एवोऽप्यर्थे। तृतीयप्रकारमाह। **कलहे चेति**। बद्धमनुबद्धं यत्पूर्ववैरं तस्मर्तुरित्यर्थः।

एवेनान्यव्यवच्छेदः। **सज्जना एव** आर्या एव। **दापने** भृत्यादिद्वारा। **तेषां** आर्याणाम्। स्फुटार्थम् एवव्यवच्छेद्यमाह। **नार्थमिति**। न धनमित्यर्थः।

तेनैव नारदेनैव। एतयोरुभयोरपि वाग्दण्डपारुष्ययोः। पञ्च विधाः प्रकारा यस्य तादृशो विधिर्विधानमुक्तमित्यर्थः। तान्येवाह उक्तक्रमेण। **पारुष्ये सतीत्यादिना**। संरम्भात्पौर्वापर्याभावः। तदेव ध्वनयन्नाह। **दण्डेति**। योऽतिक्रम्य गच्छति स दण्डभागित्यर्थः। एवं प्रथमं तमुक्त्वा द्वितीयमाह। **पूर्वमिति। आक्षारयेत्** पारुष्यं कुर्यात्। **नियतं** अवश्यम्। **पश्चाद्यः** आक्षारयेत्। **असत्कारी** दोषभाक्। विशेषमाह। **पूर्वे त्विति। विनयो** दण्डः।

कलहे चेत्युक्तं तृतीयप्रकारमाह। **द्वयोरिति**। तुल्यं अन्यूनाधिकं कलहमापन्नयोः प्राप्तयोः द्वयोर्मध्ये यः पुनः यस्तु वैरमनुबध्नाति दृढतरं स्मरति तयोर्मध्ये स एव दण्डभाक् भवति पूर्वो वा पूर्वं प्रवृत्तो वा यदि वा अथ वा इतरः पश्चात्प्रवृत्त इत्यर्थः।

चतुर्थमाह। **पारुष्येति**। स्पष्टम्। पञ्चममाह। **श्वपाकेति**। वधवृत्तिष्विति श्वपाकादेरेव विशेषणम्। वधजीविष्विति तदर्थः। अत एवैते तदवान्तरभेदा एवात्र। 'नृपेष्विति' विषयसप्तमी। **चो** भिन्नक्रमः। तथा च वधवृत्तिषु श्वपाकादिषु चतुर्षु हस्तिपव्रात्यदासेषु च सद्यस्तत्कालं घात एवानुशासनम्। कस्मिन्सति, गुर्वाचार्यनृपविषये मर्यादातिक्रमे सतीत्यर्थः। गुर्वाचार्यान्तगेषु चेति पाठान्तरम्। तत्रान्तं चरममाश्रमं गच्छतीत्यन्तगो यतिः। यद्वा अन्तं नाशं गच्छन्ति गमयन्तीत्यन्तगाः गुर्वाचार्ययोरन्तगास्तेषु गुर्वाचार्यद्रोहिषु। अत्र चो यथाश्रुत एव। तथा च वधवृत्तिषु श्वपाकादिषु हस्तिपादिषु गुर्वाचार्यान्तगेषु च सद्यो घात एवानुशासनं शिक्षा। उत्तरश्लोकपर्यालोचनया सत्सु इत्यर्थलभ्यम्। कस्मिन्सति, सत्सु विषये मर्यादातिक्रमे सतीत्यर्थः। गुर्वाचार्यानुगेष्विति पाठेऽप्येवम्। "श्वपाकपशुचाण्डालवेश्यासूकरवृत्तिषु"। इति 'गुर्वाचार्यातिगेष्विति चे'ति **कल्पतरौ** पाठः।

आद्यपक्षे नृपेत्याद्युपलक्षणमिति सूचयन् घातमेव द्वेधा पद्याभ्यामाह। **यमेवेति। नृषु** नृणां मध्ये। एते श्वपाकादयो यमेव हि सन्तं जनमित्याद्यर्थः। **विनयं,** दण्डम्। एवव्यवच्छेद्यमेवाह। **न तदिति। एते,** पूर्वोक्ताः।

याज्ञवल्कीये २१२ श्लोकः।

एवं स्मृत्यन्तरोक्तमुक्त्वा तत्सङ्गत्या मूलमवतारयति। **एवंभूतेति**। उक्तप्रकारं प्राप्तेत्यर्थः। एतेन पारिशेष्यात् पूर्वोक्तचतुर्गुण**प्रणयनस्य,** वक्ष्यमाणमूलोक्तस्य। **तदिति**। दण्डपारुष्यस्वरूपेत्यर्थः। **हेतुमिति** जातावेकवचनम्। असाक्षिकं हतं हननं यत्र निवेदने इति बहुव्रीहिः। तदाह। **यदेत्यादिना निवेदयतीत्यन्तेन**। व्रणादिस्वरूपं प्राप्तैः। 'युक्त्येति' जातावेकवचनं व्याख्याने। तत्स्वरूपमाह। **कारणेति**। द्वन्द्वगर्भः षष्ठीतत्पुरुषादिरयम्। कारणपर्यालोचनात्मिकया प्रयोजनपर्यालोचनात्मिकया चेत्यर्थः। आगमोऽत्रान्य एवेत्याह। **जनप्रवादेनेति**। मौलमेकं च व्याचष्टे। **चशब्दादिति**। सर्वसमुच्चायकं द्वितीयं तमाह। **दिव्येन चेति**। मूले कृतो भयादित्यत्र कृदिति सम्पदादित्वाद्भावे क्विप्। तस्य करणस्य भयादित्यर्थः। तस्यानिश्चयादाह। **कृतसम्भावनाया इति**। करणसम्भावनाया इत्यर्थः। तृतीयपादार्थमाह। **परीक्षेति** ॥ २१२ ॥

याज्ञवल्कीये २१३।२१४ श्लोकौ।

एवम्, अव्यवहितोक्तप्रकारेण[१]। अस्य भयादित्यर्थः। **निश्चिते** दण्डपारुष्ये। न समुदायस्पर्शो विवक्षित इत्याह। **रेणुना वेति**। तेषां स्पर्शे हेतुभूते सतीति वाच्योऽर्थः। तत्फलितमाह। **य इति**। **इति** अनेन। **कर्णविद्** कर्णमलम्। **दूषिका** नेत्रमलम्। त्रयाणां द्वंद्व इत्याह। **तैरिति**। द्विगुणस्तत इति मूले व्युक्रम इत्याशयेन तदर्थमाह। **ततः पूर्वादिति**। पूर्वोक्तात्। पूर्वादीति विकल्पात् न स्मादादेशः। **पुरीषादीति**। तैः स्पर्शने कृते त्वित्यर्थः। **छर्दिमूत्रेति**। छर्दिर्वमनं छर्द्यादिभिः परगात्राभिद्रोहे आपात् पादमारभ्य नाभिपर्यन्तं यो दण्डः स चतुर्गुणः दशपणापेक्षया तत्त्वं चत्वारिंशत्पणः स्यात्। कायमध्ये नाभेरूर्ध्वं मुखादर्वाक् तैस्तथा सति षड्गुणः षष्टिपणः स्यात्। मूर्ध्नि तु तैस्तथा सति अष्टगुणः अशीतिपणः स्मृत इत्यर्थः।

एतेन पारिशेष्यात्पूर्वोक्तश्चतुर्गुणो दण्डो नाभेरधस्तात् द्रोहे विज्ञेय इति व्याख्यानमपास्तम्। आपादित्यस्यार्थाज्ञानात्। समासान्तस्तत्र लोप आर्षः।

कातीयं व्याचष्टे। **आद्येति**। समेष्वेवमिति व्याचष्टे। **एवमिति**। तत्र एवमित्यस्यैवंभूत इत्यादि व्याख्या। समेष्वित्यस्य च सवर्णेति।

परस्त्रीषु द्विगुण इत्यादि व्याचष्टे। **परेति**। **अविशेषेणेति**। सवर्णत्वोत्तमवर्णत्वहीनवर्णत्वविशेषमन्तरेणेत्यर्थः। तथा च परस्त्रीमात्रे भस्मादिभिः स्पर्शने दशपणात् द्विगुणो विंशतिपणः, अमेध्यादिभिः स्पर्शने विंशतिपणात् द्विगुणश्चत्वारिंशत्पण इत्यर्थः।

एवमुत्तमेषु चेत्यत्रापीत्याह। **तथोत्तमेष्विति**। अत्रोत्तमत्वं न जातिः। तत्रानुपदमेव वक्ष्यमाणत्वात्। अत आह। **स्वेति**। एवमग्रेऽपि। **हीनेष्विति**। आदिना वृत्तादि। **दशपणश्चेति**। भस्मादिभिः स्पर्शने इत्यर्थः। तुर्यपादं व्याचष्टे। **मोह इति**। उपलक्षणे तृतीयेत्याह। **युक्तेनेति**॥ २१३ ॥ २१४ ॥

याज्ञवल्कीये २१५ श्लोकः।

प्रातिलोम्येति। तेनापराधे इत्यर्थः। बहुवचनान्तेन समास इत्याह। **ब्राह्मणानामिति**। अत्र वर्णत्वेन सादृश्यादाह। **क्षत्रियादेरिति**। विशेषमाह। **क्षत्रियेति**। **श्रेयांसम्,** उत्तमजातिम्। द्विजातिम् इति यावत्। अत एवाह। **अन्त्यज इति**। अङ्गमध्येऽन्त्यात् निकृष्टात्पादाज्जात इत्यर्थः। अन्ते भवोऽन्त्यः शूद्रवर्णस्तस्माज्जात इति वा। अन्त्यः सन् जात इति इति वा। **अस्य** शूद्रस्य। **मात्रं** कात्स्न्र्ये। तन्मात्रविषयकापराधे इत्यर्थः। अत्र तेन तत् साक्षात्परम्परासाधारणं बोध्यम्। तदित्यस्येदमित्यर्थः। **मनु**ग्रहणमादरार्थम्। मानवमेवेदम्।

उक्तन्यायमन्यत्रातिदिशति। **वैश्यस्यापीति**। वैश्यस्य क्षत्रियानन्तरभावित्वेन न्यूनत्वेनान्त्यजत्वात्क्षत्रियस्य तदपेक्षया ज्यायस्त्वेनोत्कृष्टत्वाच्छूद्रतुल्यत्वेनायमेवाङ्गच्छेदनरूपो दण्ड इत्यर्थः। **शस्त्रादीति**। शस्त्रादेः स्पर्शे इत्यर्थः। तदर्द्धिक इति प्राग्वत्। तत्फलितमाह। **प्रथमेति**।

ननु भस्मादिभिर्निष्ठ्यूतान्तैः प्रागुक्तैः प्रातिलोम्यापराधे को दण्ड इत्यत आह। **भस्मादीति**। उक्तमूलमाह। **प्रातिलोम्येति**। भस्मादिभिः स्पर्शने सवर्णविषये यो दशपणो दण्ड उक्तस्तस्यैव प्रातिलोम्येत्यनेन तथोक्तत्वात्स एवात्रापि। तत्र क्षत्रियेण ब्राह्मणं प्रति भस्मादिभिरभिद्रोहे कृते प्रातिलोम्यापवादत्वेन द्विगुणो विंशतिपणो दण्डः। तैरेव वैश्यकर्तृके क्षत्रियापराधे

१ ख–व्यवहितोक्तप्रकारेण।

तत्रोक्ताद्विंशतिपणात् द्विगुणश्चत्वारिंशत्पणो दण्डः । तैरेव वैश्यकर्तृकब्राह्मणापराधे विंशतिपणादेव त्रिगुणः षष्टिपणो दण्ड इति बोध्यम् ।

तत्रापि भस्मादिकरणकब्राह्मणापराधेऽपि । दर्पादिति निष्ठीवनादौ हेतुः । अवेत्येतेऽवमानसूचकाः ॥ २१५ ॥

याज्ञवल्कीये २१६ श्लोकः ।

व्यवहितसङ्गतिमाह । **एवमिति । पुनः** पुनरपि । **सजातिं** सवर्णम् । सिंहावलोकनन्यायेनेति भावः । हस्तेति समाहारद्वन्द्व इत्याह । **हस्ते इति । उद्गूर्णे** उद्यते । दशविंशतिकावित्यत्र द्वन्द्वोत्तरं परिमाणे कनित्याह । **यथेति ।** परस्परमित्यस्य लक्ष्यार्थमाह । **परस्परेति ।** सवर्णेमित्यस्य मध्यमणिन्यायेनान्वयः । वर्णानामिति तदर्थः । उद्गूर्णे इत्यस्यानुवृत्तिः तदाह । **उद्गूर्णे इत्यादि** ॥ २१६ ॥

याज्ञवल्कीये २१७ श्लोकः ।

किं चेति । सवर्णविषयेऽन्यदप्याहेत्यर्थः । एवमग्रेऽपि । **पादेति ।** अत्र करशब्दस्यापूर्वनिपातः । तत्प्रकरणस्यानित्यत्वात् । अत एवाग्रे करपादेत्युक्तिसङ्गतिर्**मूले** । वस्त्रग्रहणाच्च समाहार इत्याह । **कराणामिति ।** अत एवाह । **अन्यतममिति ।** मुख्यार्थोऽत्र न विवक्षित इत्याह । **झटितीति ।** समाहारद्वन्द्वाद्दण्डबाहुल्याद्विरोधाच्चाह । **समुचिते इति ।** असम्भवनिरासायाह । **एतदिति ।** मूले भावे प्रत्यया इत्याह । **अंशुकेनावेष्ट्येत्यादि ।** अभ्यासपदार्थमाह । **घट्टयतीति ।** ताडयति ॥ २१७ ॥

याज्ञवल्कीये २१८ श्लोकः ।

आद्यर्थमाह । लोष्टेति । त्वग्भेदक इत्यादौ शेषषष्ठ्या समासः । निमित्तान्तरे मूलोक्तमेवाह । **लोहितस्येति ।** चस्तु दण्डसमुच्चायको न तु समुच्चयनिमित्तत्वसूचकः । सर्वत्र तथैव सत्त्वात् । तद्व्याख्यातृभिरपि तथैव व्याख्यातत्वाच्च । एतेन 'समुचिते शतदण्डो न त्वङ्मात्रभेदके, चस्य समुच्चयबोधकत्वादिति' व्याख्यानमपास्तम् ।

नन्वेवं चतुःषष्टिपणो दण्डो मूले रक्तदर्शने उक्तः, **मनुना** तु शतमिति मिथो विरोध इति चेन्न । मर्मस्थले तद्दर्शकस्य **मनूक्तम्**, अन्यत्र **मूलोक्तमिति** विवेकात् । अग्रे **चस्त्वर्थे** ॥ २१८ ॥

याज्ञवल्कीये २१९ श्लोकः ।

करेति समाहारद्वन्द्वे 'पाददन्तेति' (व्या. सू. ६।१।६३) ददादेश इत्याह । **करेति ।** अग्रिमानुरोधेन दण्डस्य तुल्यत्वाच्चाह । **प्रत्येकमिति ।** मूले कर्णनासयोरित्यार्षम् । तत्सूचक इतरेतरद्वन्द्व एवेत्याह । **कर्णनासस्य च प्रत्येकमिति ।** अपूर्वव्रणोत्पत्तेरत्रानुद्देश्यत्वं किं तु जातव्रणभङ्गस्येत्याह । **रूढेति ।** जातेत्यर्थः । ननु करादिभङ्गस्याल्पत्वेनैकरूपेण सर्वत्र मध्यमसाहसदण्डविधानमयुक्तम् , अत आह । **अनुबन्धादिनेति ।** अनुबन्धो दोषोत्पादः । 'दोषोत्पादेऽनुबन्धः स्यात्'**इत्यमरः ।** (३।३।९८) 'आदिना' व्यवहारासौकर्यम् । कर्णनासाच्छेदनादौ दोषाधिक्यं प्रत्यक्षसिद्धं, करपादादेस्तु साक्षाच्छरीरावयवत्वेन तद्भङ्गे व्यवहारसौकर्याभावेन शरीरयात्राया दुर्लभत्वाद्दोषाधिक्यम् । एवं दन्तभङ्गेऽभ्यवहरणसौकर्याभावेन परम्परया जीवनसङ्कोचाद्दोषाधिक्यम् । इत्थमनुबन्धादिना करादिभङ्गादिरूपविषयस्य साम्यमूह्यमित्यर्थः ॥ २१९ ॥

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१ २११ श्लो.

याज्ञवल्कीये २२० श्लोकः ।

चेष्टेति । अत्र वाचोऽपूर्वनिपातः प्राग्वत् । एवं कन्धरेत्यत्रापि । तत्रेतरेतरयोगोऽप्येवम् । अत एवेह चेष्टार्थो । **गमनेति** । प्रत्येकमिति वक्ष्यति । **मूले चो** व्युत्क्रमे सर्वसमुच्चये । अग्रे **मूले** **च**स्त्वर्थे ॥ २२० ॥

याज्ञवल्कीये २२१ श्लोकः ।

यथोक्तादित्यस्यार्थमाह । **यस्मिन्निति** । अपराधबहुत्वादाह । **प्रत्येकमिति** । तदेवाह । **अतीति** । एवं सवर्णविषयापराधे मूलोक्तं दण्डं वाक्पारुष्योक्तन्यायेनात्र तदनुक्तत्वात्प्रातिलोम्यानुलोम्यापराधयोर्योजयति । **प्रातिलोम्येति** । **एतस्यैव** **मूलीयस्यैव** । **दण्डजातस्य,** तत्समूहस्य । प्रातिलोम्यापराधे दण्डस्य वृद्धिः, आनुलोम्यापराधे दण्डस्य हानिरित्यर्थः ।

न च विप्रपीडाकरमिति **मूल**व्याख्यावसरे भस्मादिसंस्पर्शे पुनरित्यादिनाऽयमर्थ उक्तः स एवात्रोच्यते इति पौनरुक्त्यमिति वाच्यम् । भस्मादिभिः करणविशेषैः प्रातिलोम्यापराधे सति तत्रैवापराधे प्रागुक्तः प्रातिलोम्यापराधदण्डप्रसङ्गेन अत्र तु प्रातिलोम्यानुलोम्यापराधयोरुभयोरपि वाक्पारुष्योक्तस्य सकलस्यापि दण्डस्य, कल्पनाप्रकारो बालावबोधार्थमुच्यते इति भेदात् । **मानवे** ‘प्रातिलोम्यानुलोमत’ इति धर्मपरम् । पञ्चमीद्विवचनान्तात्तसिः । **कार्याः** कर्तव्याः दण्डाः । दाप्या इति पाठान्तरम् ।

(उत्तरार्धः)

‘कलहेति’ सप्तमीसमासः । तदाह । **कलहे इति** । **वर्तमाने** न तु समाप्ते । तत इत्यस्यार्थमाह । **अपहृतेति** । तत्र हेतुं सूचयन्नाह । **अपहारेति** । बहुव्रीहिः ॥ २२१ ॥

याज्ञवल्कीये २२२ श्लोकः ।

ताडनात् ‘ताडितादिति’ पाठेऽपि भावे क्तः । समुत्थानजमित्यादेरर्थमाह । **तस्य व्रणेति** । क्रियते अनेन सम्यगुत्थानमिति व्युत्पत्त्याऽऽह । **व्रणरोपणमिति** । व्युत्पत्त्या तस्य सम्यक् स्वरूपतः करणमित्यर्थः । “दण्डं चे”त्याद्यर्थमाह । **यस्मिन्निति** । अस्य तात्पर्यार्थमाह । **नेति** । **मात्रम**वधारणे । **मनुरपि**—(अ. ८ । श्लो. २८७)

“अङ्गानां पीडनायां च प्राणशोणितयोस्तथा । समुत्थानव्ययं दाप्यः सर्वदण्डमथापि वा ॥ ” इति ।

अङ्गानां करादीनां प्राणशोणितयोश्च पीडनायां सत्यां समुत्थानव्ययं यावता कालेन पूर्वावस्थाप्राप्तिरूपसमुत्थानसम्बन्धो भवति तावता कालेन पथ्यौषधादिना यावान् व्ययो भवति तमसौ दापनीयः । यदि तं व्ययं पीडोपपादको न दातुमिच्छति तदा यः समुत्थानव्ययो यश्च दण्डस्तमेव सर्वं राज्ञा दण्डत्वेन दाप्य इत्यर्थ इति तद्व्याख्यातारः ॥ २२२ ॥

याज्ञवल्कीये २२३ श्लोकः ।

उत्तरवचनस्य प्रसङ्गसङ्गतिरित्याह । **परगात्रेति** । गृहादितो हस्तादीनामन्तरङ्गत्वात्तदपराधे तावत्तत एव दण्डमुक्त्वाऽन्तरङ्गप्रसङ्गात् बहिरङ्गगृहकुड्याभिघातादौ दण्डकथनमित्यर्थः । एतेन वैपरीत्येन कथनशङ्काऽपि निरस्ता । अर्थो गृहादिरूपः । भेदे छेदे इति पाठः । पञ्चेत्यादि पदत्रयम् । योग्यतयाऽऽह । **मुद्गरेति** । प्रत्यासत्तेराह । **कुड्यस्येति** । **अभिघात** आघातमात्रम् । ‘भेदे’ इत्यस्यार्थो **विदारण इति** । ‘छेदे’ इत्यस्यार्थो **द्वैधीति** । चतुर्थदण्डाभावादपराधबाहुल्याच्चाह । **एते त्रय इति** । तद्व्ययमित्यस्यार्थमाह । **पुनरिति** ॥ २२३ ॥

याज्ञवल्कीये २२४ श्लोकः ।

अर्थादाह । **परेति** । दुःखोत्पादीति द्रव्यविशेषणमित्याह । **दुःखेति** । 'जनिवध्यो'रिति (व्या. सू. ७ । ३ । ३५) वृद्धिनिषेधः । जननमिति पाठान्तरम् । करणे ल्युट् । द्रव्यस्वरूपमाह । **कण्टकादीति** । अत्र आद्यः द्वितीय इति च यथासंख्यान्वयसिद्धार्थकथनपरं, नास्ति सफलं, वाक्यभेदाभावादित्याशयेन तद्विज्ञायैवाह । **प्रक्षिपन् षोडशेति** । **प्राणेति** । 'हरतेरनुद्यमनेऽच्' इ. त्यच् (व्या. सू. ३।२।९)॥ २२४ ॥

याज्ञवल्कीये २२५ श्लोकः ।

पशुपदोक्तेराह । **अजावीति** । अजश्चाविश्चेत्यादिः द्वन्द्वः । अत एव तस्य पूर्वनिपातः । औचित्यादाह । **ताडन इति** । लक्ष्यार्थमाह । **दुःखोत्पादने इति** । मुख्यार्थबाधादाह । **शाखाशब्देनेति** । **अत्र**, अत्रैव । आदिना खुरपरिग्रहः । करचरणेति समाहारद्वन्द्वः प्राण्यङ्गत्वात् । दण्डशब्द उभयत्र तत्समूहपर इत्याह । **दण्डगणस्येति** । क्रमादिति तु व्युत्क्रमभ्रमनिरासाय ।

तुर्यपादोक्तमेवाभिप्रायतो विवेचयति । **स चेति** । **न पुनः**, न तु । दाढर्यायोक्तमाक्षिपति । **कथमिति** । समाधातुं सिद्धार्थमनुवदति । **अपराधेति** । **तावत्**, आदौ । अवगमनेऽन्वयः । ततः किम्, अत आह । **तत्र चेति** । उपरितनदण्डत्रये चेत्यर्थः । द्विपण इत्यत्र द्वित्वं तावच्छ्रुतम् । तत्र च श्रुतद्वित्वसंख्यात आधिक्यम् अश्रुतत्रित्वादिरूपधर्मिकल्पनया वा श्रुतद्वित्वगताभ्यासात्मकचतुष्ट्वादिरूपधर्मकल्पनया वा भवति । तत्राद्येऽश्रुतकल्पना धर्मिकल्पना चेति गौरवं, द्वितीये तु श्रुतद्वित्वगताभ्यासरूपधर्मकल्पनैवेति लाघवम् । तथा च न्यायविदः धर्मिकल्पनातो वरं धर्मकल्पनेति । अतः श्रुतद्वित्वाभ्यासाश्रयणमेवोचितमिति भावः ॥ २२५ ॥

याज्ञवल्कीये २२६ श्लोकः ।

पूर्वार्द्धं पूर्वशेष इत्याह । **तेषामिति** । पूर्वोक्तानामित्यर्थः । मृत्युशब्दस्य लक्ष्यार्थमाह । **मारणे चेति** । अत एव तयोः सामानाधिकरण्यम् ।

उत्तरार्धार्थमाह । **महापशूनामिति** । स्थानशब्दो निमित्तपर इत्याह । **ताडनेति** । तत्कृतदुःखोत्पादेत्यर्थः । 'आदिना' शाखाङ्गच्छेदनादिसंग्रहः । दुःखे चेत्याद्युक्तनिमित्तेष्वित्यर्थः । **द्विगुणः**[1], चतुष्पणादिः ॥ २२६ ॥

याज्ञवल्कीये २२७ श्लोकः ।

पुनः स्पष्टार्थं तदर्थमाह । **या इति** । **उप्ताः**, क्षेत्रनिक्षिप्ताः । **प्रतिकाण्डं**, काण्डं काण्डं प्रति । ताः शाखा येषामिति 'शाखादिभ्यः' (व्या. सू. ५ । ३ । १०३) इतीनिस्तदन्तादपि बोध्यः । **मूलेति** । मूलसंबद्धशाखा इत्यर्थः ।

'अस्त्री प्रकाण्डः स्कन्धः स्यान्मूलाच्छाखावधिस्तरोः' **इत्यमरः** । (२ । ४ । १०)

सर्वेत्यस्यार्थमाह । **समूलेति** । मूलेति पाठेऽर्शआद्यच् बोध्यः । विदारणे इत्यस्य सर्वत्र सम्बन्धः । क्रमादित्यनुवृत्तेः स्थानाख्यलोकप्रमाणाद्वाऽऽह । **यथेति** । विंशतेरिति पञ्चमी न तु षष्ठीत्याह । **विंशतीति** । तदुपपत्तये आह । **आरभ्येति** । फलितमाह । **एतदिति** ।

वैयर्थ्यं परिहरन्नु**त्तरार्धार्थ**माह । **प्ररोहीति** । **उपजीव्येति** । पुत्रपुष्पफलादिनेति भावः । **पूर्वोक्तेष्विति** । प्रागुक्तेषु निमित्तेष्वित्यर्थः । **पूर्वोक्ता एव** विंशतिपणादयः । द्रुमशब्दस्तत्समूहपर इत्याह । **दण्डा इति** । न्यूनतां निराचष्टे । **अनुपजीव्येति** ॥ २२७ ॥

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१ ख—फ—परमद्विगुणः ।

याज्ञवल्कीये २२८ श्लोकः ।

द्विगुण इति । शाखाच्छेदनादिषु त्रिषु यथाक्रमं चत्वारिंशत्पणोऽशीतिपणः षष्ट्यधिकशतपणश्चेत्यर्थः । अन्यत्राप्येवमेवेत्याह । **विश्रुते इति** । अथशब्दार्थमाह । **पिप्पलेति** । अत्र विश्रुतत्वं प्रसिद्धत्वं तच्च शास्त्रीयं बोध्यमिति नातिप्रसङ्गः ॥ २२८ ॥

याज्ञवल्कीये २२९ श्लोकः ।

प्रत्याहेति । तदभिद्रोहमभिलक्ष्य दण्डमाहेत्यर्थः । एवं प्रागपि । **अनतिदीर्घेति** । त्रयाणां कर्मधारयः, बहुव्रीह्युत्तरपदको द्वयोः कर्मधारयो वा । यद्यपि लतात्वं सामान्यं तथापि समभिव्याहारादाह । **दीर्घेति** ।

'अप्रकाण्डे स्तम्बगुल्मौ वल्ली तु व्रततिर्लता । लता प्रतानिनी वीरुत् गुल्मिन्युलप इत्यपि' **इत्यमरः** (२ । ४ । ९)

अवसानं समाप्तिर्नाश इति यावत् । पूर्वोक्तेषु इत्यादि प्राग्वत् । पूर्वस्मृतादित्यस्यार्थः । **पूर्वोक्तादिति** । प्रकृतिभूतविंशतिचत्वारिंशदशीतिपणरूपात्पूर्वोक्ताद्दण्डादर्धदण्डो दशविंशतिचत्वारिंशत्पणात्मक इत्यर्थः । अत्र **मनुः**, (अ. ८ श्लो. २९५–३००)

" प्रमापयेत्प्राणभृतः तत्र दण्डोऽविचारितः ॥
" मनुष्यमारणे क्षिप्रं चोरवत् किल्बिषं भवेत् । प्राणभृत्सु महत्स्वर्धं गोगजोष्ट्रहयादिषु ॥
" क्षुद्रकाणां पशूनां तु हिंसायां द्विशतो दमः । पञ्चाशत्तु भवेद्दण्डः शुभेषु मृगपक्षिषु ॥
" गर्दभाजाविकानां तु दण्डः स्यात्पञ्चमाषकः । माषकस्तु भवेद्दण्डः श्वशूकरनिपातने ॥
" भार्या पुत्रश्च दासश्च प्रेष्यो भ्राता च सोदरः । प्राप्तापराधास्ताड्याः स्युः रज्ज्वा वेणुदलेन वा ॥
" पृष्ठतस्तु शरीरस्य नोत्तमाङ्गे कदाचन । अतोऽन्यथा तु प्रहरन् प्राप्तः स्याच्चौरकिल्बिषम् ॥ इति ॥
" प्राकारस्य च भेत्तारं परिखाणां च पूरकम् । द्वाराणां चैव भङ्क्तारं क्षिप्रमेव प्रवासयेत् ॥ "

इति च । (**मनुः** अ. ९ । २८९)

विष्णुः, "गजाश्वोष्ट्रगोघाती त्वेककरपादः कार्यो, विमांसविक्रयी ग्रामपशुघाती कार्षापणशतं दण्ड्यः पशुस्वामिने च तन्मूल्यं दद्यात्, आरण्यपशुघाती पञ्चाशतं कार्षापणान्, पक्षिघाती मत्स्यघाती च दशकार्षापणान्, कीटोपघाती कार्षापणमिति । "

विमांसं शृगालादिमांसम् ॥ २२९ ॥

इति दण्डपारुष्यप्रकरणम् ।

अथ साहसप्रकरणम् ।

आहेति । मूलकृत् अर्द्धेनेति भावः ।

याज्ञवल्कीये २३० श्लोकः ।

शब्दार्थमाह । **साधारणस्येति** । मौलं सामान्ये त्युपलक्षणं परकीयस्यापि । तत्र साधारणधर्मस्य हेतुत्वप्रदर्शनद्वाराऽनुगतम् अभिमतं लक्ष्यार्थं तस्य सूचयन्नाह । **यथेष्टेति** । यौगपद्यासम्भवादाह । **वेति** । यथा साधारणस्यानेकस्वत्वाक्रान्तस्य न यथेष्टविनियोगार्हत्वं तथा परद्रव्यस्यापीति तदपहरणमपि साहसं भवतीति भावः । **कुत इति** । योगो वा रूढिर्वा योगरूढिर्वेति प्रश्नाशयः । प्रसभं हरणादिति समासः । तदाह । **प्रसह्येति** तथा च यौगिकोऽयमिति भावः ।

नन्वेवं **मूलस्य** न्यूनता तथापि तदवस्थैव स्मृत्यन्तरविरोधोऽपीति चेन्न । हेतुनैवान्यसंग्रहस्यापि सूचनेन दोषलेशाभावात् । तदेतत् ध्वनयन् तत्फलितमेवाह । **एतादिति** । **राजेति** । राजदण्डभयं जनाक्षेपभयं चेत्यर्थः । **राजपुरुषेति** । राजपुरुषाश्चेतरजनाश्च तेषां समक्षमित्यर्थः । असमक्षं तु क्रियमाणस्य स्तेयत्वमेवेति भावः । यत्किंचिदर्थमेवाह । **मारणेति** । **साहसमिति** । सहसा क्रियमाणत्वात् । **साहसलक्षणमिति** । साहससामान्यलक्षणमित्यर्थः । अत एवाह । **अत इति** । उक्तहेतोरित्यर्थः । **अपिना** तत्समुच्चयः । तत्र **आदिना** एतस्यापि परिग्रहः । एवं च सर्वं मूलमुपलक्षणमिति स्वयमेव सूचितमिति न दोषः । अत एवाह । **नारदेनापीति** । **साहसस्य** तत्सामान्यस्य । बलस्य दर्पो गर्वः स सञ्जातो येषां तैः ।

ननु सहसा कृतं साहसमिति योगमात्रलब्धं तत्सामान्यलक्षणं चौर्यादिष्वविशिष्टमिति तेष्वेवान्तर्भावादस्य प्रकरणस्य पृथगुक्तिरयुक्तेत्यत आह । **तादिदमिति** । पूर्वोक्तं साहससामान्यलक्षणमित्यर्थः । **व्यासक्तमपि** सम्बद्धमपि । बलसम्बन्धिदर्पस्यावष्टम्भरूपोपाधितो भिद्यते इत्यर्थः ।

नन्वेवं किमित्येवं भेदाङ्गीकारः अत आह । **दण्डेति** । तद्भेदस्य शास्त्रकृद्भिः प्रतिपादनादित्यर्थः । यद्यपीदं प्रागुक्तसामान्यलक्षणं तत्र सर्वत्रानुस्यूतं तथापि तादृशावान्तरोपाधिभेदाद्भिन्नमिति तद्घटितविशेषलक्षणेन लक्षितमत्र साहसपदवाच्यमिति रूढमपि । तत्र तु शुद्धयौगिकमिति भावः ।

यदि तु तत्साधारणं लक्षणमपीष्टं तर्हि योगमात्रलब्धं तदप्यस्तु,प्रकरणभेदस्तूक्तनिमित्तकः, तदा चौर्यादिष्वपि विशेषलक्षणानि वक्ष्यमाणानि बोध्यानि । बलदर्पयोरवष्टम्भयोरुपाधित्वमिति व्याख्यानं तु बलावष्टम्भेनेतिव्याख्याविरोधात् सहो बलमिति **नारद**विरोधाच्चोपेक्ष्यम् ।

तदेतत् ध्वनयन्नेवाह । **तस्य चेति** । साहसविशेषस्येत्यर्थः । **प्रथमादीति** । प्रथमसाहसमध्यमसाहसोत्तमसाहसभेदेनेत्यर्थः । एतानि कर्मनामानि न तु दण्डस्येति बोध्यम् । **तल्लक्षणं** तेषां त्रयाणां लक्षणानि । जातावेकवचनम् । **तेनैव नारदेनैव** । **तत्पुनः** तत्तु । शास्त्रेष्वित्युत्तरान्वयि । **तस्य** त्रिविधस्य । **क्षेत्रोपकरणं** तत्सामग्री । एवमग्रेऽपि । **भङ्गो** भञ्जनम् । **आक्षेपो** दोषोत्पादः । **उपमर्दो** म्लानतापादनम् । आद्यशब्देन छेदनादिकम् । **वासो** वस्त्रम् । पूर्वनिपातप्रकरणस्यानित्यत्वान्न दोषः । **एतेनैवेति** । प्रागुक्तभङ्गादिनैवेत्यर्थः । **व्यापादो** मारणम् । **प्राणोपरोधीति** । तन्नाशकमित्यर्थः । **तस्य** त्रिविधस्य । **क्रिया** करणं कर्मेति यावत् । **तदपेक्षः** प्रथमसाहसादिरूपकर्मापेक्षः न तद्विरुद्धः । तदेव विविच्याह । **प्रथमस्येति** । 'पञ्चशतेति' बहुव्रीहिः । तृतीये अन्यदप्याह । **वध इति** । उत्तमसाहसे इति सप्तम्यन्तपाठः । कर्मनामेदम् । व्याख्यातमिदं प्राक् ।

सहस्रावरदण्डस्य नियतत्वेऽप्यग्रे कथमिति शङ्कानिरासायोक्तमेव ध्वनयन्व्यवस्थामाह । **वधाद्य इति** । **समस्ता** मिलिताः । **व्यस्ता** भिन्नाः ।

(उत्तरार्धः)

एवं स्मृत्यन्तरोक्तं विशेषमुक्त्वा तत्सङ्गत्या प्रकृतमवतारयति । **तत्रेति** । तेषां मध्ये इत्यर्थः । **आदिना** सामान्यद्रव्यपरिग्रहः । अत एव तच्छब्दस्य प्रक्रान्त[illegible]भयसंग्रहार्थमाह ।

अपहृतद्रव्यस्येति। अत्र साहसं कृत्वेत्यनेन सूचितं निह्नवानन्तरं साक्ष्यादिभिर्भावितोऽपि यदि पुनस्तथैव करोति स चतुर्गुणदण्डार्हो न निह्नवमात्रेणेति।

ननु प्रथमसाहसादिषु **नारदेन** शतावरादयो दण्डा उक्ताः, **मूले** तु द्विगुणचतुर्गुणावुक्ताविति मिथो विरोधादप्रामाण्यम्। पाक्षिकं प्रामाण्यं तु विकल्पस्याष्टदोषदुष्टत्वादयुक्तम्। अत आह। **एतस्मादेवेति**। मूलोक्तादेवेत्यर्थः। **विधानं नारदीयम्**। **अपहारद्रव्येति**। अपह्रियमाणद्रव्येत्यर्थः। अपहारव्यतिरिक्तेति पाठस्तु सुगम एव। द्रव्यापहारव्यतिरिक्तेति पाठान्तरम्। अत्र विशेषसामान्यपदोल्लेखेन तक्रकौण्डिन्यन्यायविषयता सूचिता। तथा च नाप्रामाण्यं, नापि विकल्पः, किं तु विशेषस्य सामान्यापवादकत्वेनापहाररूपविषयविशेषे द्वैगुण्यादिविधायकेनानेन विशेषवाक्येन सामान्यतो विधायकं **नारदीयं** बाध्यते इति भावः॥ २३०॥

याज्ञवल्कीये २३१ श्लोकः।

साहसं विद्यते यस्य स साहसिकः। 'अत इनिठनौ' (व्या. सू. ५।२।११५) इति ठन्। तस्य। **प्रयोजयितारं,** द्विविधं प्रति। एवेनार्थदानव्यवच्छेदः। अत एवापौनरुक्त्यम्। साकाङ्क्षत्वात्प्रत्यासत्तेराह। **साहसिकेति**। पूर्वोक्तादित्यर्थः। दातेति तृजन्तस्य। भावित्वाद्भविष्यामीत्यध्याहारः। तत्फलितमाह। **दास्यमीति**। यद्वा भविष्यत्सामान्ये व्यत्ययेन लुट्। न्यूनतां निराचष्टे। **त्वमिति**। लिङ्गार्थोऽविवक्षित इत्याह। **कारयतीति**। एवमग्रे सर्वत्र बोध्यम्। तत्र हेतुमाह। **अनुबन्धेति**। दोषाधिक्यादित्यर्थः॥ २३१॥

याज्ञवल्कीये २३२।२३३ श्लोकौ।

अर्घ्ये 'पादार्घाभ्यां चेति' (व्या. सू. ५।४।२५) यत्। अर्घ्यस्याक्रोशातिक्रमौ करोतीति समासः। तदाह। **अर्घ्यस्यार्घार्हस्येति**। तस्य सापेक्षत्वादन्यार्थे पूर्वेण सिद्धत्वाच्चाह। **आज्ञेति**। नात्र भेदो विदारणम्। समुद्रेत्यस्य वैयर्थ्यापत्तेः। तत्र दण्डान्तरविधानाच्च। अत आह। **उद्घाटयतीति**। सामन्तपदार्थमाह। **स्वगृहेति**। कुलिके अत इनीति ठन्। तत्फलितमाह। **स्वेति**। **ते सर्वे इति**। प्रत्येकमिति भावः॥ २३२॥ २३३॥

याज्ञवल्कीये २३४।२३५।२३६।२३७॥ श्लोकाः।

किं चेति। साहसिकविशेषान्तरं प्रत्यन्यदप्याहेत्यर्थः। 'स्वच्छन्दमिति' क्रियाविशेषणम्। तदर्थमाह। **नियोगमिति**। 'ताच्छील्ये णिनि'स्तत्र। **विक्रुष्टे,** महता शब्देनाहते। **शक्तोपीऽति**। तन्निवारणे इत्यादिः। एतेनाशक्तस्य दण्डाभावस्तथा अकुर्वतः सूचितः। **अपि-** विरोधेऽनौचित्ये वा, न तु समुच्चये। अकारणे इत्यस्यार्थो **वृथेति**। अत्र विक्रोशो निन्देत्याह। **आक्रोशामिति**। शूद्राः सन्तः प्रव्रजिताः। शूद्रप्रव्रजितानामित्येकम्। तदाह। **दिगम्बरादीनिति**। **तु पाठे,** पाठे तु। **फलेति**। तथा च प्रजननशक्तेर्नाशेन वन्ध्यता तेषां सम्पन्नेति भावः। एषां पित्रादीनां मध्येऽपतितम् अन्योन्यं मिथस्त्यजतीति शाब्दोऽर्थः। तत्फलितमाह। **पित्रादय इति**॥ २३४॥ २३५॥ २३६॥ २३७॥

इति साहसप्रकरणम्।

अथ प्रासङ्गिकप्रकरणम् ।

याज्ञवल्कीये २३८ श्लोकः ।

एतदवान्तरप्रकरणसङ्गतिमाह । **साहसेति । तत्सदृशेति ।** यथा तेषां समक्षं तत् क्रियमाणं साहसं तथा वस्त्रधावकादिभिरपि सकलजनसमक्षं परवस्त्राच्छादनादि क्रियमाणमिति तस्य तत्सादृश्या-त्तत्प्रसङ्गात्तदपराधकर्तृणां तेषां दण्डमाहेत्यर्थः । **नेजको** वस्त्रधावकः । **आदिना** वक्ष्यमाणसर्व-परिग्रहः । अत एव 'दण्डमिति' जातावेकवचनम् । **निर्णेजनं** प्रक्षालनम् । **अवक्रयमिति** । करोतीति शेषः । अवक्रयार्थमाह । **एतावदिति । ददातीत्यन्तेन । इत्येवमिति ।** सम्भाष्य । **शाटकं,** वस्त्रमित्यर्थः । भाटकमिति पाठे तत्त्वेनोपलक्षितं वस्त्रमित्यर्थः । तथा च तथा दानमवक्रय इति भावः । अत्र न धनग्रहणमित्याह । **स्वेति ।**

विशेषमाह । **तानि चेति ।** शाल्मलेर्विकारादावण् ।

'पिच्छिला पूरणी मोचा स्थिरायुः शाल्मलिर्द्वयोः ।' **इत्यमरः** (२ । ४ । ४६)

व्यत्यासो विनिमयः । **स्वगृहे इति ।** चिरमिति भावः । एवमग्रेऽपि । **दण्ड्यः,** नेजकः । **फलके,** पाटीति प्रसिद्धे । **नेनिज्यात्,** प्रक्षालयेत् । **निर्हरेत्** विनिमयं प्रापयेत् । **प्रमादादिति ।** अप्रमादे तु अन्यथा द्रष्टव्यमिति भावः ।

नारदीयमादितो व्याचष्टे । **अष्टपणेति ।** बहुव्रीहिः । मूल्यमन्यपदार्थः । अवधिं विनाऽष्टमांशादितो न्यूनताया दुर्वचत्वाद्दिङ्मात्रप्रदर्शनायेदमुक्तमिति बोध्यम् । क्षये इति चरमे उक्तेराह । **नाशितस्येति । पणन्यूनं** सप्तपणात्मकम् । धौतस्येत्यादेरग्रेऽपि सम्बन्धादाह । **द्विर्धौतेति । पादोनं** चतुर्थांशन्यूनम् । तदाह । **पणेति** । षट्पणात्मकमित्यर्थः । अर्धक्षयादिति व्याचष्टे । **ततः परमिति ।** इदं परत इत्यन्तस्य व्याख्यानम् । सार्वविभक्तिकः प्रथमान्तात्तसिः । प्रतिनिर्णेजनमिति वीप्सायामव्ययीभावः । **अवशिष्टम्,** अर्धम् । **अपचयेन,** तत्क्रमेण । क्वचित् तथैव पाठः । जीर्णमित्यन्तं पूर्वान्वयीत्याह । **यावज्जीर्णमिति ।** जीर्णता च दशासु क्षीणासु ज्ञेयेत्येतदर्थं मूले क्षीणदशमित्युक्तम् । अर्धक्षयोत्तरं पञ्चमप्रक्षालनादिषु अवशिष्टस्यार्धमूल्यस्य पादपादापचयक्रमेण मूल्यकल्पनेति पञ्चमप्रक्षालने पणचतुष्टयात्मकमूल्यादेकपणोनं पणत्रयात्मकं, षष्ठे तत्र पणत्रयात्तस्मा-त्पादोनं सपादपणद्वयात्मकं, सप्तमे तत्र सपादपणद्वयात्पादोनं किञ्चिदधिकसार्द्धपणात्मकमित्यादि बोध्यमिति भावः ।

जीर्णस्यानियम इति व्याचष्टे । **जीर्णस्येति । अनियम** इति । अस्य प्राक् वाचनिकनियमाभाव इत्यर्थः । तथा सति सर्वथा तदभावो नेति ध्वनयितुं नियमपदसूचितमाह । **इच्छात इति ।** परीक्षकाणामिच्छात इत्यर्थः । तथा च जीर्णनाशे परीक्षकाणामिच्छैव मूल्यदानकल्पनायां प्रमाणं न प्रागुक्तवचनप्रवृत्तिर्नापि स्वेच्छाप्रवृत्तिरिति भावः ॥ २३८ ॥

याज्ञवल्कीये २३९ श्लोकः ।

अथ प्रागुक्तादिशब्दसंग्राह्याणां क्रमेण दण्डानाह । **पितेत्यादि** । पण्यस्योपरीत्यन्तैः पञ्चदशभिः पद्यैः केवलं तत्साक्षिणो दण्डो नाभिमतः । तथा सति साक्षित्वोच्छेदापत्तेः । तदभावे

क्वचित् विवादपरिसमाप्त्यभावापत्तेश्च । किं तु यः कलहनिवारणसमर्थः सन्नपि तमनिवारयन् साक्ष्यमङ्गीकरोति तस्य दण्ड इत्याशयेन व्याचष्टे । **पितेति** । तथा च न तावन्मात्रं दण्डप्रयोजकं किं तु अन्यदपीत्याह । **न पुनः कलहमिति** । इदमग्रेऽप्युभयत्र ज्ञेयम् । त्रिपण इति बहुव्रीहिरित्याह । **पणत्रयमिति** । साकाङ्क्षत्वात्प्रत्यासत्तेराह । **त्रिपणादिति** । चतुर्विंशतिमिति व्यस्तः पाठः । तुल्यन्यायत्वादाह । **दम्पत्यादीति** । आदिना गुरुशिष्यादिपरिग्रहः ॥ २३९ ॥

याज्ञवल्कीये २४० श्लोकः ।

पूर्वोक्तं, प्रथमाध्यायान्ते उक्तं राजपत्रम् । द्रम्मनिष्कादयो मूल्याध्यायविवृतौ प्रपञ्चिताः । **कूटं** कैतवम् । तत्स्वरूपं सर्वत्र क्रमेण प्रतिपादयन् कूटकृदिति व्याचष्टे । **देशेत्यादि** । स्थलत्रयेऽन्यथेत्यन्तं तत्स्वरूपं, तदपि द्वेधेत्याह । **न्यूनेति** । एवमग्रेऽपि द्वेधेत्याह । **द्रम्मादेरिति** ।

उत्तरार्धं व्याचष्टे । **यश्चैतैरिति** । **कूटैरिति** । अर्शआद्यच् । पूर्वोक्तैः कूटकृद्भिरित्यर्थः । जानन्नित्यनेनाज्ञानतो व्यवहारे दण्डाभावः सूचितः । व्यवहारमात्रं न तावद्दण्डप्रयोजकं, दोषस्य स्वल्पत्वादिति जानन्नित्युक्तमिति बोध्यम् ॥ २४० ॥

याज्ञवल्कीये २४१ श्लोकः ।

परीक्षिणं, परीक्षकम् । दण्डमिति शेषः । **कुर्यादिति** । ब्रूयादित्यर्थः । क्वचित्तथैव पाठः । उभयत्र स्वार्थे कन् । सनाणकेत्यस्य सान्निध्यात् व्युत्क्रमेण व्याचष्टे । **ताम्रादीति** । इतीत्यस्य उभयत्र ब्रूयादिति शेषः ॥ २४१ ॥

याज्ञवल्कीये २४२ श्लोकः ।

त्रितयं सहैव लाघवेन व्याचष्टे । **यः पुनरिति** । मिथ्याऽऽचरन्नित्याद्यर्थं सहेतुकमाह । **जीवनेति** । जीवनार्थमित्यस्य अग्रिमे चिकित्सामाचरतीत्यत्रान्वयः । **इतीत्यस्य** ब्रुवन् इति शेषः । **तिर्यञ्चः** पशुपक्ष्यादयः ।

विशेषमाह । **तत्रापीति** । उक्तदण्डेष्वपीत्यर्थः । त्रिषु यथाक्रमेणाह । **मूल्येत्यादि** । तिर्यक्षु मूल्यविशेषेण, मानुषेषु ब्राह्मणत्वादिवर्णविशेषेण, राजपुरुषेषु तत्प्रत्यासत्तिविशेषेण दण्डस्य लघुत्वं गुरुत्वं च कल्पनीयमित्यर्थः । विशेषशब्दा भेदपराः ॥ २४२ ॥

याज्ञवल्कीये २४३ श्लोकः ।

अनर्हत्वे हेतुं सूचयन्नाह । **अनपराधिनमिति** । अत एवाह । **राजेति** । अस्यानुषङ्गेणाग्रे उभयत्र मुख्य उपयोग इति तत्त्वम् । 'प्रमुञ्चती'त्यस्य मध्यमणिन्यायेनोभयत्रान्वय इत्याह । **यश्च बद्धमिति** । अप्राप्तव्यवहारमित्यस्यार्थमाह । **अनिर्वृत्तेति** ॥ २४३ ॥

याज्ञवल्कीये २४४ श्लोकः ।

पण्यस्य, विक्रेयस्य । योग्यतयाऽऽह । **कूटेति** । अपिसमुच्चेयमाह । **अन्यथा वेति** । मूले द्विशतमिति बहुव्रीहिः । दण्डः अन्यपदार्थः । तत्फलितमाह । **पणानां द्विशतमिति** । अत्रापि बहुव्रीहिरेवं, समूहोऽन्यपदार्थ इति विशेषः ।

तुर्यपादं व्याचष्टे । **अपहृतस्येति** । कूटमानादिनाऽपहृतस्य अष्टमांशादप्यधिकत्वे न्यूनत्वे वा दण्डद्रव्यस्यापि द्विशताद्वृद्धिर्हानिश्च कल्प्येत्यर्थः ॥ २४४ ॥

याज्ञवल्कीये २४५ श्लोकः ।

'भेषजति' द्वंद्वे गतिः प्राग्वत् । गन्धशब्दोऽत्र तादृशद्रव्यवाची न तु गुणमात्रवाची, 'वहति जलमियं पिनष्टि गन्धानि'[1]त्यादिप्रयोगादित्याह । **गन्धद्रव्यमिति** । तद्विशिष्टं द्रव्यमित्यर्थः । हीनपदार्थमाह । **असारेति** ॥ २४५ ॥

याज्ञवल्कीये २४६ श्लोकः ।

किं चेति । ईदृशो विषयोऽन्योऽप्युच्यते इत्यर्थः । मूले वाससीति सप्तम्यन्तं, समाहारद्वंद्व इत्याह । **न विद्यते इति** । जातिरुत्कर्ष इत्याह । **बह्विति** । **तस्मिन्निति** । जातिशून्यमृदादिके इत्यर्थः । तृतीयादिष्विति पुंवद्भावान्तुम्नेति भावः । जातिकरणे इत्यस्य मुख्यजातेस्तत्र ब्रह्मणाऽपि दुष्करत्वात् सहेतुकमर्थमाह । **विक्रयार्थमित्यादिना संपादने इत्यन्तेन** । 'गन्धेत्यादिः' द्वंद्वगर्भो मयूरव्यंसकादिः । जातीयस्य सादृश्येत्यर्थः । उक्तमेवोदाहरणतो विशदयति । **यथेत्यादि** । तदेकान्तत्वाभावात्सुगन्धेत्यत्र इत्वं न । आमलकं **मृत्तिकाया** एव बोध्यम् । गुणोत्कर्षेत्यर्थः । क्वचित्तथैव पाठः । एवमग्रेऽपि । **कार्ष्णायसे इति** । कृष्णायसो विकारादावित्यर्थः । पुनर्गन्धोदाहरणमाह । **बिल्वेति** । रसोदाहरणमाह । **कङ्कोले इति** । प्रसिद्धदेवकुसुमव्यावृत्तये आह । **त्वगिति** । तद्रसमध्ये तन्निक्षेपेण तद्रसाभिव्यक्तेरिति भावः । पुनर्वर्णस्योदाहरणमाह । **कार्पासिके इति** । तत्सूत्रनिर्मिते इत्यर्थः । विक्रेयेत्यस्य व्याख्या **पण्यस्येति** । तत्स्वरूपमाह । **आपादिते इति** । वर्णान्तराद्यापादनेनापादितपद्मरागाद्यात्मकस्य स्फटिकादेरित्यर्थः । यन्मूल्यं तस्मादिति शेषः ॥ २४६ ॥

याज्ञवल्कीये २४७।२४८ श्लोकौ ।

करण्डकमिति । 'समुद्गकः संपुटक' इत्यमरः । (२ । ६ । १३८) महाभाष्ये तु "नैतत् उब्जे रूपं किं तूपसर्गद्वयपूर्वकाद्गमेरन्येष्वपीति ड" इत्युक्तम् । परिवर्ते भावे क इत्याह । **परीति** । परिवर्तं चेत्यस्यापि नयति इत्यत्रान्वयः । अतस्तात्पर्यार्थमाह । **योऽन्यदेवेति** । अन्यदेवेत्यस्य व्याख्या । **मुक्तानां पूर्णमिति** । शेषे षष्ठी । एवमग्रेऽपि । सारभाण्डमित्यस्य सरभाख्यमृगपश्वण्डोद्भवमित्यर्थः । तदाह **कस्तूरीति** । अर्थाच्छेषमाह । **कृत्वेति** । **वक्ष्यमाणेति** । भिन्ने पणे त्वित्यनेनैवेति भावः ।

तामेव कथयन् तत्पद्यमुक्तरीत्योक्तव्युत्क्रमेण व्याचष्टे । **कृत्रिमेति** । आदिना तत्परिवर्तग्रहः । **मूल्येति** । वस्तुत इति भावः । **भिन्न**त्वमन्यत्वम् । तच्च द्वेधा । तत्र वृद्धेर्वक्ष्यमाणत्वादाह । **न्यूने इति** । तात्पर्यार्थमाह । **न्यूनेति** । बहुव्रीहिः । एवमग्रेऽपि । तदाह । **तस्मिन्निति** । तादृशे इत्यर्थः । पञ्चाशत्पणेति बहुव्रीहिः । वाच्यार्थस्योक्तत्वात्तात्पर्यार्थमाह । **पणेति** । एवमग्रेऽपि । द्विपणमूल्ये इति बहुव्रीहिगर्भो बहुव्रीहिः ।

अनेनैव वृद्धेरुक्तत्वात्तुर्यपादवैयर्थ्यं परिहरति । **इत्येवमिति** । अनेन प्रकारेणेत्यर्थः । तथा चाधिकसंग्रहार्थं तदिति भावः ॥ २४७ ॥ २४८ ॥

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१ मुद्राराक्षसे प्रस्तावनायां.

याज्ञवल्कीये २४९ श्लोकः।

वणिज इति। समुदितान्प्रतीत्यर्थः। दोषस्य समुदायनिष्ठत्वात्। पूर्वं तु प्रत्येकं प्रति तद्दोषेणोक्तमिति ततोऽस्य भेदः। वक्ष्यमाणोक्तेराह। **राजेति**। आबाधजनकत्वात्साबाधत्वमित्याह। **पीडेति**। उक्तहेतोरेवार्घमित्यस्यार्थमाह। **अर्थान्तरमिति**। तत्करणे बीजमाह। **लाभेति**। यद्यपि मूलमतेऽशीत्यधिकसहस्रपणात्मक उत्तमसाहसस्तथापि विहिते इति वक्ष्यमाणोक्तेः— (अ. ८। १३८)

"पणानां द्वे शते सार्धे प्रथमः साहसः स्मृतः। मध्यमः पञ्च विज्ञेयः सहस्रं त्वेव चोत्तमः॥"

इति **मन्वनुरोधेन** चाह। **पणेति**॥ २४९॥

याज्ञवल्कीये २५० श्लोकः।

समुदितान्प्रत्येवान्यदप्युच्यत इत्याह। **किं चेति**। अर्थादाह। **देशान्तरादिति**। अनर्घेणेत्यत्र नञ् अल्पार्थे इत्याह। **हीनेति**। **प्रार्थयमानाः,** सन्तः। **उपरुन्धन्ति,** प्रतिबद्धविक्रयकं कुर्वन्ति। यथास्थितविक्रये दोषाभावादाह। **महेति**॥ २५०॥

याज्ञवल्कीये २५१ श्लोकः।

वर्तितव्यं, व्यवहर्तव्यम्। राजनि इति वटे गाव इतिवत्सामीपिकमधिकरणमित्याह। **संनिहिते इति**। अर्थादाह। **यस्तेनेति**। राज्ञेत्यर्थः। प्रत्यहामिति शेषः। मूले तस्योभयान्वयित्वात्। स्रवान्निवर्तते इति नार्थः, तस्मादित्यस्यानन्वयापत्तेः। अत आह। **निर्गत इति**। स्रवपदार्थः **अवशेष इति**। अत एवाह। **तस्मादिति**। मौलस्यार्थो **राजेति**। तात्पर्यं सर्वमिति न्यायेनाह। **स एवेति**। एवव्यवच्छेद्यमाह। **न पुनरिति**। वणिगिच्छाकल्पितार्घादवशेष इत्यर्थः।

मनुविरोधपरिहारं स्पष्टत्वात् हृद्येवानुसन्दधान आह। **मनुनेति**। चस्त्वर्थे। **पञ्चरात्रे इति**। तथेत्यनेन अग्रेऽप्युभयत्र वीप्सा सूचिता। तथा चास्थिरार्घाणां पञ्चसु दिनेषु गतेषु, किञ्चित्स्थिरार्घाणां पक्षे गते, स्थिरार्घाणां मासे गते सति राजा आप्तपुरुषैः एषामर्घविदां वणिजां प्रत्यक्षं स्वसमक्षमित्यादि तद्व्याख्यातारः।

एषां पूर्वोक्तानां सर्वपण्यानामर्घस्य व्यवस्थापनं प्रत्यक्षं स्वसमक्षं स कुर्यादित्यर्थ इत्यन्ये।

"तुलामानं प्रतीमानं सर्वं च स्यात्स्वलक्षितम्। षट्सु षट्सु च मासेषु पुनरेव परीक्षयेत्॥"

इत्यपि तेनोक्तम् (अ. ८। ४०३)। 'पक्षे पक्षेऽथ वा गते' इति पाठान्तरं व्याख्याकृदादिसम्मतम्। अत्र वीप्सया दशसु दिनेषु मासे वा गते इति नार्थः, किं तु पञ्चदिनानन्तरं पक्षान्तरमित्येवम्। वीप्सा तु अवश्यकर्तव्यतया यावज्जीवं कर्तव्यतया च नित्यतां बोधयति "वसन्ते ज्योतिषा" इतिवदिति भावः॥ २५१॥

याज्ञवल्कीये २५२ श्लोकः।

पूर्वोत्तरयो राजधर्मत्वेन मध्यमस्य असम्बद्धत्वादप्रामाण्यन्निरासायाह। **किं चेति**। अर्घकरणे विशेषान्तरमाहेत्यर्थः। स्वदेशेत्यत्र अर्शआद्यच्। तदाह। **स्वेति**। बहुव्रीहिर्वा। स्वदेश्येति पाठस्तु सुगमः। ततः 'तत्र भव' इत्यर्थे (व्या. सू. ४।३।५३) 'दिगादित्वा'द्यत् (व्या. सू. ४। ३।५४)

एवमग्रेऽपि । शतमित्यस्य प्रतीति शेषः । तत्फलितमाह । **पणशते इति** । परदेश्ये शाब्दोऽर्थ उक्तः । तत्फलितमाह । **प्राप्ते इति** । परदेशात्प्राप्ते पण्ये त्वित्यर्थः । शतेति त्रिपदो बहुव्रीहिः । तुर्यपादोक्तमुभयोः शेष इत्याह । **यस्येति** । वणिज इत्यर्थः । एतेन य इति व्याख्यातम् । क्रयेत्यत्र द्वन्द्वान्मत्वर्थे इनिरित्याह । **पणस्येति** । सद्यःपदार्थो **दिवसे इति** । एतत्फलितं वक्ष्यमाणरीत्याऽऽह । **यः पुनरिति** ।

नन्वत्र वणिग्धर्मस्योक्तत्वेन राजानं प्रत्यनुक्तत्वात्किंचेत्यसङ्गतिः, मध्येऽसम्बद्धत्वापत्तिश्च, अत आह । **एवं चेति** । उक्तार्थस्य शाब्दत्वे चेत्यर्थः । **यथा,** यादृशा । **स्थापनीय इति** । फलितमिति शेषः । अन्यथा परदेशविषये वक्ष्यमाणत्वेनात्रानुक्त्या न्यूनतेति भावः ॥ २५२ ॥

याज्ञवल्कीये २५३ श्लोकः ।

तदेवाह । **परदेश्येति** । यद्यप्यत्र सामान्येनार्घनिरूपणप्रकारः प्रतीयते इतीदमवतरणमयुक्तं तथापि " व्ययं पण्यसमुद्भवम् " इत्युक्तेः परदेशादानीयमानद्रव्यस्यैव बहुव्ययसम्भवात्स्वल्पव्ययनाशे तथाक्षत्यभावात्तत्परत्वमेवास्येत्याह । **देशान्तरादित्यादिना** । **भाण्डेति** । तदुपयोगिपात्रादिग्रहणेत्यर्थः । **अर्थः,** द्रव्यव्ययः । द्रव्यं पणस्योपरीत्यस्यार्थमाह । **पण्यमूल्यनेति** । प्रागुक्तैकवाक्यतयाऽऽह । **यथेति** । अनुग्रहकृदित्यस्यार्थमाह । **अनुग्रहकार्यर्घ इति** । कार्य इत्यस्यार्थः । **स्थापनीय इति** । **मनु**रपि—(अ. ८ । श्लो. ४०१)

"आगमं निर्गमं स्थानं तथा वृद्धिक्षयावुभौ। विचार्य सर्वपण्यानां कारयेत्क्रयविक्रयौ॥"इति॥२५३॥

इति प्रासंगिकप्रकरणम् ॥

अथ विक्रीयासम्प्रदानप्रकरणम् २१ ।

सङ्गतिमाह । **प्रासङ्गिकमिति** । विक्रयप्रसङ्गादाह । **अधुनेति** । **मूल्येन,** तस्य ग्रहणेन । क्रेतुरिति सम्बन्धे षष्ठी । एवमग्रेऽपि । **तत्र** प्रारभ्यमाणे विवादपदे । घटकत्वं सप्तम्यर्थः । **चराचरेति** । जङ्गमस्थावरेत्यर्थः । **पुनरिति** । यथासम्बन्धे षष्ठी । द्विविधस्य तस्येत्यर्थः । **तेनैव, नारदे**नैव । **तस्य त्विति** । तस्य द्विविधस्य बुधैर्मन्वादिभिर्दानादानयोर्विधिक्रमो विधानक्रमः करणप्रकारो यथासम्भवं षड्विधः कथित इत्यर्थः । **कल्पतरौ** तु—

" लोकेऽस्मिन् द्विविधं पण्यं जङ्गमं स्थावरं तथा । क्रयविक्रयधर्मे तु सर्वं तत्पण्यमुच्यते ॥ "

" षड्विधस्तस्य तु बुधैर्दानादानविधिः स्मृतः "—इति पाठः । तदेवाह । **गणितमिति** । संज्ञाशब्दा एते । रूपत इति तृतीयान्तात्तसिः । **कर्पूरेति** । कुंकुमादीति पाठान्तरम् । अनन्वयनिरासायाह । **उपलक्षितमिति** । एवमग्रेऽपि उभयत्र । **पण्याङ्गना** वेश्या । **आदिना** वस्त्रादि ।

याज्ञवल्कीये २५४ श्लोकः ।

उक्तसङ्गत्या मूलमवतारयति । **एतदिति** । तस्य तत्त्वेन विवक्षायां षष्ठी तत्रेत्याह । **क्रेत्रे इति** ।

तृतीयपादार्थमाह । **तच्चेति । अल्पेति** कर्मधारयः । **अर्घो** मूल्यम् । अर्थादाह । **पण्यमिति** । प्राग्वत् तस्येत्यस्यार्थमाह । **क्रेत्रे इति ।**

तस्यैवान्यथाऽर्थमाह । **यदेति** । यावदित्यस्य प्रतिपन्नमित्यत्रान्वयः । **यतः** यस्य । **प्रतिपन्नमिति ।** निश्चितमित्यर्थः । **तावदेवेति** । अस्तीति शेषः । “ किं तु ” इत्यस्यात्रान्वयः। अत्रैव पक्षे उदयांशे पक्षान्तरमाह । **द्विकमिति** । अनयोर्व्यवस्थामाह । **क्रेतृवाञ्छेति । आवहेत्, दद्यात्** । अत्र अवहानिः उक्तस्याप्युपलक्षणम् । **स्थानिनां,** स्वदेशमात्रस्थितिकानां वणिजाम् । अत इनीति इनिः । ‘ स्थायिनामिति ’ **कल्पतरौ** पाठः ।

विशेषमाह । **यदा त्विति** । उपभोगस्वरूपमाह । **तदाच्छादनेति । मूल्येन,** तद्ग्रहणेन । **स्थावरस्य,** ग्रामक्षेत्रादेः । **जङ्गमस्य,** गवादेः । **क्रियाफलं,** दोहादेः क्षीरादिकम् । यत्तु क्षयं सस्याद्युपघातजापक्षयामिति **कल्पतर्वादः** तन्न पौनरुक्त्यापत्तेरित्याह । **विक्रेतुरिति** । ननु तस्य तत्त्वं विरुद्धम्, अत आह । **क्रेत्रिति** । तावत्पर्यन्तं तत्सम्बन्धस्य तत्र क्षीणत्वात्तद्वैशिष्ट्येन तस्यापि क्षीणत्वमिति भावः । ‘ क्षय ’ इत्यत्र कर्मण्यच् । **नारदमाह । उपहन्येतेति । इत्यत्रेति** । इत्यनेनेति पाठान्तरम् ।

वस्तुतस्तु ‘ क्षि निवासगत्योः’ इत्युक्तेः ‘क्षयो निवासे’ इत्युक्तेश्चायं निवासार्थक इति न कोऽपि क्लेश इति बोध्यम् ।

मौलं तुर्यपादं व्याचष्टे । **यदा त्विति** । तत्रोभयत्र सप्तमीपञ्चमीसमासावित्याह । **देशान्तरादिति । मूले** वाशब्दः चार्थे । तेन पण्यसमुच्चयः । तत्फलितमाह । **तेनेति ।**

वक्ष्यमाणैतदवान्तरप्रकरणसङ्गत्यर्थमाह । **अयं चेति** । क्रीतस्य पण्यस्य समर्पणेत्यर्थः । **मनूक्तमिति** । क्रयविक्रयानुशयाख्यविवादप्रकरणे इति भावः । एवं च **मनुना** तेनैवास्य कथितप्रायत्वादिदं पृथङ्नोक्तमिति बोध्यम् ।

“ यस्येहानुशयो भवेत् । सोऽन्तर्दशाहे तद्द्रव्यं दद्याच्चैवाददीत वा ॥ ” (अ. ८ ।२२२)
इति तच्छेषः ॥ २५४ ॥

याज्ञवल्कीये २५५ श्लोकः ।

अत एवानुशयेऽन्यदप्युच्यते इत्याह । **किं चेति** । तदेवाह । **जातेति** । पूर्वेत्युभयत्रान्वयि । तत्राद्ये धातोस्तादिच्छायां लक्षणेत्याह । **जिघृक्षतीति** । अजातानुशये आह । **यदा पुनरिति** । आलस्यादिरग्रहणे हेतुः । अत्र न लक्षणेति भावः ॥ २५५ ॥

याज्ञवल्कीये २५६ श्लोकः ।

अपि चेति प्राग्वत् । एवमग्रेऽपि । **अपिना** जातानुशयसमुच्चयः । राजदैवे इदमर्थेऽण् इति फलितमाह । **राजेति** । तात्पर्यार्थमाह । **अत इति** । अस्माद्धेतोरित्यर्थः ॥ २५६ ॥

याज्ञवल्कीये २५७ श्लोकः ।

किञ्चेति प्राग्वत् । जातानुशये **मनू**क्तत्वादाह । **विनैवेति** । **अन्यस्येति** । एकस्येति पाठान्तरम् । **पुनः,** पश्चात् । अर्थादाह । **अन्यस्येति** । अदुष्टवदिति वत्यन्तस्यार्थमाह ।

प्रच्छादितेति । **तदेति** । 'तत्रेति' शेषो **मौल** एव । 'विक्रेतरीति' तदर्थः । **अत्र,** उक्तविषये । **अपि**र्भिन्नक्रमः । विशेषोऽपीत्यर्थः । **अपि**नोक्तसमुच्चयः । मूले मूल्यांशे न्यूनाधिकभावानुक्तत्वेन समताप्राप्तौ तत्र द्वैगुण्यरूपो विशेषः, दण्डांशे द्वैगुण्यं तु तुल्यमेवेति भावः । यद्वा यथाश्रुत एवापिरन्यमुनिसमुच्चायकः । **विनयं,** दण्डम् । **तावत्,** अव्ययमिदम् । तावन्तमेव द्विगुणमेव ।

विशेषमाह । **सर्वत्रेति** । न त्वव्यवहितोक्त एवेति भावः । **अयं विधिः,** सकलदण्डविधिः । **अदत्ते,** पण्ये ॥ २५७ ॥

याज्ञवल्कीये २५८ श्लोकः ।

अवान्तरप्रकरणसमाप्तिमाह । **इति विक्रयेति** । न्यूनतां पौनरुक्त्यं च परिहरति । **क्रीतेति** । क्रयेत्यर्थः । भावे क्तः । परिक्षाया अभावेऽनुशये दोषाभावादाह । **परीक्षितेति** । कर्मधारयौ । क्रीत्वेत्यस्यार्थः । **क्रयोत्तरेति** । परिमाणमर्थान्मूल्यस्य विशेषणेन व्यावर्त्यतया बोधितमर्थमाह । **वृद्धीति** । निषेधस्य शाब्दत्वेन तदसम्भवादाह । **व्यतिरेकादिति** । भेदादित्यर्थः । पूर्वमुक्तमपि पुनः अभिप्रायं वक्तुमाह । **अनुशयेति** । **च**स्त्वर्थे । **क्रीत्वेति** । व्याख्यातमिदं प्राक् । विरोधपरिहारमपि प्रागुक्तमेव तथा आह । **अपरीक्षितेति** । अपरीक्षितवस्तुक्रयेत्यर्थः । **दशैकेति** । **मानव**मिदम् । उक्तफलितार्थमुपसंहरति । **तदिति** । तस्मादित्यर्थः । **अनया,** क्षयं वृद्धिं चेति विशेषघटितयेत्यर्थः । अभिप्रायमेव प्रकाशयति । **यथेति** । **दोषाणामिति** । अनुशयकारणत्वमवगम्यते इत्यस्यानुषंगः ।

तुर्यपादार्थमाह । **अत इति** । तेषां तस्य च तत्कारणत्वादित्यर्थः । **तत्** मूल्येत्यर्थः । **क्षयेति** । एतद्रूपकारणत्रितयेत्यर्थः । **अनुशयकालेति** । नारदोक्तानुशयकालादिमध्येऽपीत्यर्थः । पूर्वसाम्यप्रदर्शनसाफल्याय तुल्ययुक्त्याऽऽह । **अनुशयकारणेति** । एतत् प्रसंगेन विशेषमाह । **उपभोगेनेति** । अनेन पण्यदोषाभावः सूचितः । स्थिरेत्यनेन वृद्धिक्षयाभावः सूचितः । **परेणेति** । क्रीत्वा विक्रीयेति शेषः । **न दद्यात्,** न त्यजेत् । **दापयेत्,** विक्रेता बलेन न ग्राहयेत् । विक्रीतं बलेन गृह्णन् परित्यजंश्चेत्यर्थः । **षट् शतानि,** पणान् ॥ २५८ ॥

इति विक्रीयासम्प्रदानप्रकरणम् ।

अथ सम्भूयसमुत्थान प्रकरणम् ॥ २२ ॥

समयप्रसंगादाह । **संभूयेति** ।

याज्ञवल्कीये २५९ श्लोकः ।

सम्प्रतिपत्तिरिति । निश्चय इत्यर्थः । वणिजामित्युपलक्षणमित्याह । **वणिङ्नेति** । **द्वितीयपादा**र्थमाह । **लाभेति** । लभ्यत इति लाभस्तल्लाभेच्छयेत्यर्थः । लिप्सव इति पाठान्तरम् । तथा सत्त्वेऽपि तस्य प्रत्येकसाध्यत्वादाह । **प्रातिस्विकमिति** । यथाद्रव्यमिति योग्यताया-मव्ययीभावः । तदाह । **येनेति** ।

तुर्यपादार्थमाह । **यद्वेति** । कृतावित्यस्यार्थः । **संप्रतिपन्नाविति** । अर्थादाह । **तथेति** । एवं प्रागपि ॥ २५९ ॥

याज्ञवल्कीये २६० श्लोकः ।

अन्यदप्याह । **किं चेति । तथा,** यन्नाशितम् । प्रमादादित्यस्य व्याख्या **प्रज्ञेति** । चो वाऽर्थे इत्याह । **वेति** । तथा च नाशितमित्यस्य सर्वत्र सम्बन्ध इति भावः । **वणिग्भ्यः,** स्वसमवायिभ्यः । अत एव प्रातिस्विकमिति प्रागुक्तम् । विप्लवाच्चेत्याद्यर्थमाह । **य इति** । विप्लवार्थमाह । **व्यसनादिति** । नाशादित्यर्थः । स्वशक्त्येति भावः । इदमधिकम् । तस्य ततो लाभादि तु प्रागुक्तमेव । तथा **नारदो**ऽपि, (अ. ३ । श्लो० ६)

" दैवतस्कर राजाग्निव्यसने समुपस्थिते । यस्तत्स्वशक्त्या रक्षेत्तु तस्यांशो दशमः स्मृतः" ॥ इति ॥ २६० ॥

याज्ञवल्कीये २६१ श्लोकः ।

एवं तेषामुक्त्वा राज्ञ आह । **अर्घेति । मनु**रपि, (अ. ८ । श्लो. ३९८ । ३९९)

" शुल्कस्थानेषु कुशलाः सर्वपण्यविचक्षणाः । कुर्युरर्घं यथापण्यं ततो विंशं नृपो हरेत् ॥

" राज्ञः प्रख्यातभाण्डानि प्रतिषिद्धानि यानि च । तानि निर्हरतो लोभात्सर्वहारं हरेन्नृपः ॥" इति ।

अर्घस्येति । तस्येति पाठान्तरम् । हेतौ पञ्चमीत्याह । **हेतोरिति** । **असौ,** नृपः । शुल्कमित्यस्यार्थः **शुल्कार्थमिति** । करार्थमित्यर्थः । पूर्वेणापौनरुक्त्यायाह । **प्रतिषिद्धमिति** । राजगामित्वे विक्रीतत्वं दोषे हेतुरित्याह । **लाभेति** । अन्यत्रेति शेषः । अत एव फलितमाह । **मूल्येति । सर्वं,** द्विविधम् ॥ २६१ ॥

याज्ञवल्कीये २६२ श्लोकः ।

अथ दण्डमाह । **मिथ्येति** । राजदण्डे बीजमाह । **शुल्केति** । शुल्कपदं लाक्षणिकमित्याह । **शुल्कग्रहणेति** । क्रयश्च विक्रयश्च क्रयविक्रयौ, व्याजो विवादस्तत्साहितस्य पण्यस्य तौ, ततो मत्वर्थे इनिरित्याह । यश्चेति । **मनु**रपि, (अ. ८ । ४००)

" शुल्कस्थानं परिहरन्नकाले क्रयविक्रयी । मिथ्यावादी च संख्याने दाप्योऽष्टगुणमत्ययम् " ॥ इति ॥ २६२ ॥

याज्ञवल्कीये २६३ श्लोकः ।

दण्डान्तरमाहेत्याह । **अपि चेति** । वचनं व्याख्यातुमुपोद्घातमाह । **शुल्कं हीति** । मूलमाह । **अर्घप्रक्षेपणादिति । पणमिति । तरे** नौकादौ । **यानं,** रिक्तशकटादिकं प्रतिपणं दाप्यः । **पौरुषे** पुरुषभारविषये तरेऽर्द्धपणं दाप्यः । **पशु**र्गवादिः, **योषित्** वक्ष्यमाणभिन्नस्त्रीमात्रं, **पादं** पणचतुर्थांशं दाप्यः । **रिक्तकः** भाररहितः, **पुमान्** मनुष्यः, **पादार्धं** पणाष्टमभागं दाप्यः । **भाण्डं** पण्यद्रव्यं तेन पूर्णानि यानानि शकटादीनि सारतः द्रव्यगतोत्कर्षापेक्षया **तार्यं** तरणमूल्यं दाप्यानि । रिक्तभाण्डानि पण्यद्रव्यरहितानि गोण्यादीनि अपरिच्छदा दरिद्राश्च उक्तपादार्धदानापेक्षया यत् किंचित् दापनीया इत्यर्थः । किं च—

" दीर्घाध्वनि यथादेशं यथाकालं तरो भवेत् । नदीतीरेषु तद्विद्यात्समुद्रे नास्ति लक्षणम् " ॥ इति **मनुः** । (अ. ८।४०६)

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१ क-पदार्थ. ख-पादार्थ ।

पूर्वं पारावारे तरणार्थमुक्तम् । इदानीं नदीमार्गेण दूराध्वनि गन्तव्ये प्रबलवेगास्थिरोदकनद्यादिदेशग्रीष्मवर्षादिकालापेक्षया तरमूल्यं कल्पनीयम् । एतच्च नदीतीरे बोध्यम् । समुद्रे तु वाताधीनपोतगमनत्वात्स्वायत्तत्वाभावेन तरपणविशेषज्ञापकं नदीवद्योजनादिकं तत्र नास्ति, ततस्तत्रोचितमेव तरमूल्यं ग्राह्यमिति तद्व्याख्यातारः ।

शुल्कद्वयेऽपि स्थलजे जलजे च । **न भिन्नेति** । **मानवं वासिष्ठं** चेदम् । **भिन्नो** न्यूनः **कार्षापणो** मूल्यं यस्य वस्तुनस्तत्तथा तन्निमित्तः शुल्कोऽपि भिन्नकार्षापणः । तेन कार्षापणादर्वाग्यस्य मूल्यं तस्य शुल्को न ग्राह्य इत्यर्थः । शुल्कशब्दः अर्द्धर्चादिः । शिल्पं वृत्तिर्यस्य तत्र । भैक्षे वृत्तं वर्तनं जीवनं यस्य तत्र । भैक्षलब्धे इति पाठान्तरम् । हृतादवशेषो यस्य तत्र । यज्ञस्तदुपकरणं, दीक्षितो वा, तत्र गन्तुकामो जनसमूहो वा । **मनुरपि**–(अ. ८ । श्लो० ४०७)
“गर्भिणी तु द्विमासादिस्तथा प्रव्रजितो मुनिः । ब्राह्मणा लिङ्गिनश्चैव न दाप्यास्तारिकं तरे ॥” इति ।

सञ्जातगर्भा स्त्री मासद्वयादूर्ध्वं, तथा प्रव्रजितो भिक्षुर्मुनिर्वानप्रस्थः ब्राह्मणाश्च लिङ्गिनो ब्रह्मचारिणश्च । एते मूल्यं तरे न दाप्या इत्यर्थः ।

अथ मूलार्थमाह । **तीर्यत इति** । स च शुल्के लाक्षणिकः । ततः अत इनीति **ठन्** । तत्फलितमाह । **तज्जन्येति** । **वेश्मेति** । तं प्रतीति सामीप्येऽव्ययीभावः । तदाह । **स्ववेश्मेति** । गृहमिति शेषः । **तत्रेति** । ‘अव्ययीभावाच्चेति’ (व्या. सू. ४ । ३ । ५९) ञ्यप्रत्यय इति भावः । विशेषानाह । **श्रुतेत्यादि** ॥ २६३ ॥

याज्ञवल्कीये २६४ श्लोकः ।

प्रेतपदार्थो **मृत इति** । द्रव्यपदं योग्यतया विशेषपरमित्याह । **तदीयमंशमिति** । तादित्यस्य तत्रान्वय इति भावः । यद्यपि दायादशब्दोऽन्यत्राप्यस्तीति प्रागुक्तं तथापि ‘ब्राह्मणवसिष्ठ’न्यायेनाह । **पुत्रेति** । मातृपक्षे भवाः । ‘दिगादि’[1]त्वाद्यत् । **सपिण्डेति** । सगोत्रसपिण्डेत्यर्थः । **आदिना** सोदकादिः । तैरित्यनेन सर्वपरामर्श इत्याह । **दायादेति** । **चस्त्वर्थे** । एवमग्रेऽपि । **वैकल्पिकमिति** । न तु युगपदिति भावः ।

नन्वेवं क्रमे नियामकाभावेनैच्छिकविकल्पापत्तौ व्रीहियवादिवत् “पत्नी दुहितर” इति क्रमबोधकवचनविरोधापत्तिः, अत आह । **पौर्वापर्येति** । तथा च व्यवस्थितोऽयं विकल्पो न त्वैच्छिकः । व्यवस्था च पत्नी दुहितर इति बोधितपौर्वापर्याबाधेन ज्ञेयेति भावः ।

नन्वेवं सति फलाभावाद्देशान्तरेति नारभ्यम्, अत आह । **शिष्येति** । “गोत्रजा बन्धुशिष्य” इत्यनेन “सर्वेषामप्यभावे तु” इत्यनेन च क्रमेण प्रतिपादिताधिकारित्वकशिष्यादिनिवृत्तिः, वणिजस्तत्रानुक्तत्वेन तत्प्राप्तिश्च एतद्वचनप्रयोजनमित्यर्थः । अतः पुत्रादिबन्धुपर्यन्तानामभावे संभूयकारिणो वणिजो गृह्णीयुरिति भावः ।

तत्र विशेषमाह । **वणिजामपीति** । पिण्डदातृत्वस्य तद्व्याप्यत्वस्य प्रागुक्तत्वादाह । **ऋणेति** । ऋणं प्रतिकुर्युरित्यनेनेदमुक्तं प्राक् । आदिना दत्तऋणोद्धारपरिग्रहः ।

विशेषान्तरमाह । **सामर्थ्येति** । विभज्य ग्रहणे हेतुं सूचयन्नाह । **संसृष्टिन इति** । यद्यपि नात्र मुख्यं संसृष्टित्वं तथापि तेन न्यायेनात्रापि तथैवेति भावः ।

[1] व्या. सू. (४ । ३ । ५४)

विशेषान्तरमाह । **तेषामपीति** । दशवर्षमिति बहुव्रीहिः । **तद्दिदमिति** । दशवर्षपर्यन्तं स्थापनमित्यर्थः । **एकस्येति** । संभूय कर्म कुर्वतां वणिजां मध्ये यद्येकस्य मरणं भवेत् तदाऽस्य मृतस्य तद्वस्तु दायादः पुत्रादिः बन्धवन्तो जनः पूर्वपूर्वाभावे उत्तरोत्तर आप्नुयात् । दायादे उक्तरूपे असति अन्यो वणिग्वा शक्तश्चेत् ऋणदानादिसमर्थश्चेदाप्नुयात् । एकस्य तत्रासामर्थ्ये सर्वेषां च सामर्थ्ये तादृशाः ते वणिजः सर्वे एवाप्नुयुरित्यर्थः । **तदभावे** वणिजामभावे । **गुप्तं** रक्षितं, **तत्** तदीय-धनं, **ततः** तावत्पर्यन्तस्थापनोत्तरमस्वामिकत्वादिविशिष्टम् । **तत्** धनं राजा स्वीयं कुर्यात्, एवं सति न धर्मस्य हानिरित्यर्थः ॥ २६४ ॥

याज्ञवल्क्ये २६५ श्लोकः ।

वणिजं प्रत्यन्यदप्युच्यते इत्याह । **किं चेति** । 'निर्गतलाभमिति' बहुव्रीहिः । तस्या-प्यर्थमाह । **लाभमिति** । तमदत्त्वेत्यर्थः । सम्भूयकारिणि इति शेषः । अशक्त इत्यस्यार्थमाह । **संभूयेति । भाण्डेति** । भाण्डस्य भारः संरक्षणादिरूपः तस्य वहनमित्यर्थः । **तत्** भाण्डम् । **नारदो**ऽपि (अ. ३ । श्लो० ४)

"भाण्डपिण्डव्ययोद्धारभारसारान्ववेक्षणम् । कुर्युस्तेऽव्यभिचारेण समये स्वे व्यवस्थिताः ॥" इति । भाण्डं विक्रेयद्रव्यम् । पिण्डः पाथेयम् ।

(उत्तरार्धः)

प्रागिति । प्रकरणारम्भे इत्यर्थः । आदिग्राह्यं वचने एव स्फुटम् । अनेनेत्यस्यैतत्प्रकरणादौ उक्तेनेत्यर्थः । अन्यथा असंभवात् । तदाह । **लाभेति** । श्रुतिक्रमेणाह । **होत्रेति** । कर्षकपदार्थ-माह । **कृषीति** । कर्मिपदे अत इनीतीनिः । तदर्थमाह । **नटेति** । कर्मपदार्थमाह । **शिल्पेति** । **तत्र च** तेषां मध्ये च । श्रुतिविहितदक्षिणया विभागप्रकरणस्य **मनू**क्तत्वाद्दक्षिणाप्रापकं वचनमाह । **तं शतेन दीक्षयन्तीति** । पूर्वं गवां प्रस्तुतत्वात् शतेन गवां शतेन तं यजमानं अध्वर्य्वादयो दीक्षयन्तीत्यर्थः । यतो दक्षिणाग्रहणेन यजमानायत्ताः भवन्ति ।

ननु अतो दीक्षोद्देशेन गोशतग्रहणं प्रतीयते न दक्षिणाया विधिः, तत्कथं दक्षिणाप्रापक-मिदम्, अत आह । **इति वचनेनेति** । अयं भावः । यथा भुजिक्रियासाध्ये तृप्त्यात्मके कार्ये पयसा तृप्तिं कुर्वीतेति पयोद्रव्ये विहिते तत्पयो भोजनसाधनस्यौदनस्य स्थाने निपतति तथाऽत्रापि दीक्षयन्तीति णिजर्थभूतं दीक्षाकरणम् ऋत्विजामानतिरूपं दक्षिणादानस्य कार्यं, तेषामानतिर्नम्र-भावः स्वायत्ततेति यावत् । **भृतिं गृहीत्वा** भृत्या इव दक्षिणां गृहीत्वा **स्वायत्ता भवन्ति हि ऋत्विजः । तस्मिन्** तेषामानतिरूपे दक्षिणादानस्य **कार्ये** गोशतं **विधीयमानं** दक्षिणादान-रूपव्यापारसाधनभूतदक्षिणायाः स्थाने निपततीत्यर्थाद्गोशतमेव दक्षिणा भवतीति दक्षिणाप्रापकमिदं वचनमिति गोशतं दक्षिणात्वेन विधीयत इति ।

अथ **मानवं** व्याख्यातुमवतारयति । **ऋत्विजश्चेति । तत्र** तेषां मध्ये गोशते वा । **इदं** मानवम् । अथ व्याचष्टे । **सर्वेषामिति** । उक्तरीत्यैवाह **होत्रेति** । ब्रह्मत्वस्योभयसाधारण्यादाह । **ब्रह्मेति** । शतार्धत्वस्य पञ्चाशति सत्त्वात्तथैव विभागप्राप्तौ आशयं प्रकाशयन् विशेषमाह । **सर्वेषां भागेति** । भागस्य विभागस्य यत्परिपूर्णं तदर्थं योपपत्तिस्तस्या वशेन तदधीनतया तदनुरोधेनायातः प्राप्तश्चासावष्टचत्वारिंशद्रूपश्चासावर्धश्च तेन, धान्येन धनवानितिवत्तृतीय, सामान्यविशेषयोरभेदान्वयः ।

तद्रूपार्धभाज इत्यर्थः । एवमग्रेऽपि । मत्वर्थीय इनिः सर्वत्र । प्रकारान्तरेण दक्षिणाविभागस्य कर्तुमशक्यत्वादीषन्न्यूनत्वेऽपि सामीप्येन तद्ग्रहणमिति भावः । तच्छब्देन श्रुतानुमितयोरिति न्यायेन श्रुतपरामर्शस्यैवौचित्यादाह । **मुख्यांशस्येति** । अष्टाचत्वारिंशद्रूपस्येत्यर्थः । एतेनावशिष्टद्विपञ्चाशद्रूपस्यैव कुतो न परामर्श इत्यपास्तम् । उक्तरीत्या स्थलद्वये निर्वाहेऽप्यन्ते अनिर्वाहाच्च । 'तृतीयिनः पादिन' इति तयोः श्रौती संज्ञा । योगोऽपि उक्त एव । **मानवे** तृतीयांशा इति बहुव्रीहिः । एवमग्रेऽपि । तत्फलितमाह । **मुख्यांशेति** । प्रत्यासत्तेरिति भावः । एवमग्रेऽपि । षोडशगवरूपेति पाठः । गोरूपेत्यपपाठः । एवं द्वादशगवरूपेत्यत्रापि । अयं **मनूक्तः** । **बृहस्पति**रप्येवमेव ।

तत्र मूलोक्तप्रकारद्वयाविषयत्वमाह । **न तावदिति** । **नापीति च** । प्रधानस्याधिकांशोऽन्येषां न्यूनन्यूनतरन्यूनतमांशा इति न समयः कृतः । नाप्येकेन दशान्येनाष्टावन्येन षडित्यादिरूपेण वाणिज्ये इव द्रव्यसमवायः कृत इत्यर्थः । **नापि वचनं**, श्रौतम् । **यद्वशात्** यद्बलात् । **अतः**, परिशेषात् । युक्तमित्यत्रान्वयः ।

दशमतृतीयपादाधिकरणं "समं स्यादश्रुतत्वात्" इति । ज्योतिष्टोमे श्रूयते गावश्चाश्वाश्चाश्वतराश्च गर्दभाश्चाजाश्चावयश्च व्रीहयश्च यवाश्च तिलाश्च माषाश्च तस्य द्वादशशतं दक्षिणेति पूर्वताधिकरणे गवां द्वादशशतमितराण्यश्वादीनि च दक्षिणेति उपपादितम् । पूर्वाधिकरणे त्वियमेव दक्षिणा विभाज्येत्यप्युक्तम् ।

तत्र स्थिते विभागे चिन्ता, किं समो विभाग उत प्रयासानुरूप उतार्धिन इत्यादिसमाख्यानुरूप इति संशयः । तत्र विशेषाश्रवणात्समो विभागः सर्वेषामृत्विजां स्यादिति प्राप्ते सिद्धान्त्येकदेशी आह । **लोकवत्** । प्रयासानुरूपेण विभाग इति । तदभिप्रेत्योभयं शङ्कक आह । **सममिति** । विशेषाश्रवणात्सममित्यर्थः । **सर्वेषाम्**, ऋत्विजाम् । **कर्मेति** । ऋत्विजां स्वस्वकर्मणि वैषम्यात्कर्मानुरूपेणेत्यर्थः । अथैवं प्राप्ते तत्र सिद्धान्ती आह । द्वादशाहे दीक्षाक्रमवाक्ये अध्वर्युर्गृहपतिं दीक्षयित्वा ब्रह्माणं दीक्षयति तत उद्गातारं ततो होतारं ततस्तं प्रतिप्रस्थाता दीक्षयित्वाऽर्धिनो दीक्षयति ततस्तं नेष्टा दीक्षयित्वा तृतीयिनो दीक्षयति ततस्तमुन्नेता दीक्षयित्वा पादिनो दीक्षयतीत्येवंविधा अर्ध्यादिसमाख्याः श्रूयन्ते । अतस्तद्वशात् ब्राह्मणाच्छंसिप्रभृतीनां तदनुरूपो विभागो द्वादशाहप्रकृतौ ज्योतिष्टोमेऽध्यवसीयते इति । तदिमं सिद्धान्तं अवलम्ब्याह । **ज्योतिष्टोमप्रकृतिके इति** । कदेत्याकांक्षायामाह । **यदीति** । **तत्**, द्वादशाहः ।

उपसंहरति । **अत इति** । श्रुत्यादीनि षट् प्रमाणानि शेषत्वबोधकानि । समाख्या नाम यौगिकसंज्ञा । ज्योतिष्टोमविकृतिभूते द्वादशाहेऽर्धिन इत्यादयः समाख्याः श्रूयन्ते । अतः समाख्यारूपप्रमाणबलात्तत्प्रकृतौ ज्योतिष्टोमे तथैव दक्षिणाविभागः कार्यः । अन्यथा विकृतौ द्वादशाहेऽर्धिन इत्यादिसिद्धानुवादो न स्यात् । तथा च विकृतिगतसामाख्यान्यथानुपपत्त्या प्रकृतौ प्रागुक्तदक्षिणाविभागावसाय इत्यर्थः । तदुक्तं "तथो वो विश्ववेदा विभजतु" इति । तां यजमानश्चतुर्धा कृष्णाजिनेन व्युत्रास्य चतुर्थमध्वर्युभ्यो विभजति, यावदध्वर्यवे ददाति तस्यार्धं प्रतिप्रस्थात्रे, तृतीयं नेष्ट्रे, चतुर्थमुन्नेत्रे, एतेनेतरेषां दानमुक्तमिति ॥ २६५ ॥

इति संभूयसमुत्थानं नाम प्रकरणम् ।

अथ स्तेयप्रकरणम् ॥ २३ ॥

महाप्रकरणसंगत्याऽऽह । **इदानीमिति । चस्त्वर्थे । मानवं** व्याचष्टे । **अन्वयवदिति ।** मतुबन्तमिदम् । अग्रे अन्वयः संबन्धः, स चक्षुरादेर्विवक्षित इत्याह । **द्रव्येति ।** द्रव्यस्वामीत्यर्थः । कर्मपदार्थमाह । **परेति ।** आदिना साधारणद्रव्यहरणम् । द्वंद्वोऽयम् । **कृतमिति ।** भूतत्वमविवक्षितमित्याह । **क्रियते इति ।** अतस्तत्र स्तेयदण्डो न कार्यः । एतदर्थमेव प्रकरणभेद इति भावः । तदाह । **स्तेयं त्विति । तत,** साहसात् । आदिना राजाध्यक्षादि । बलावष्टम्भो नात्रेत्याह । **वञ्चयित्वेति ।**

कृत्वा यन्निह्नुते भयादिति तुर्यपादपाठं व्याचष्टे । **यच्चेति ।** अपिना निरन्वयसमुच्चयः । परधनहरणादिकमिति शेषः । कृत्वा निह्नूयते च यादिति पाठान्तरम् । कृत्वाऽपव्ययते च यादिति तु प्रचुरः पाठः । तदाऽयं तात्पर्यार्थो बोध्यः । अपव्ययते संवृणोति आच्छादयतीति यावदिति तु शाब्दोऽर्थः व्येञ्संवरणे इत्युक्तेः । वञ्चयित्वेत्यस्य समूलत्वं ध्वनयन्स्तेयलक्षणांशे मानान्तरमप्याह । **नारदेनापीति ।** एषां द्रव्यस्वामिनां सुप्तादीनाम् । कर्मणि शेषे षष्ठी । छलेऽन्वयः । द्रव्यस्येति शेषः । सुप्तादेरपकर्षणेऽन्वयः ।

मूलमवतारयति । **तत्रेति ।** प्रारभ्यमाणे स्तेये इत्यर्थः । **ज्ञानेति ।** तस्करत्वज्ञानेत्यर्थः ।

याज्ञवल्कीये २६६ श्लोकः ।

यद्यपि योगिना ग्राहकग्राह्यत्वमेव तत्रोपाय उक्तस्तथापि तत्रापि निमित्तमाह । **य इति ।** राजपुरुषाश्च स्थानपालाश्चेति द्वंद्वः । लोप्त्रपदार्थमाह । **अपहृतेति ।** गृह्यते इति लेडित्याह । **ग्रहीतव्य इति ।** अपहारतो नष्टं वस्त्रादिर्यस्य गृहे हस्ते वा दृश्यते तेन चिह्नेन स पुरुषो ग्राह्य इत्यर्थः । अथशब्दार्थमाह । **वेति ।** पदेन वेति व्याचष्टे । **नाशेति ।** पूर्वकर्म चौर्याख्यमेव । भूम्नि इनिरित्याह । **प्रागिति ।** अत एव परिग्रहः । **वास इति ।** उष्यतेऽस्मिन्निति वासो निवासः । पुंस्ययम् । तदाह । **स्थानमिति ।** न तु वासस्थानमित्येकं पदमिति भावः । तथा चेति समुच्चये इत्याह । **सोऽपीति ॥ २६६ ॥**

याज्ञवल्कीये २६७।२६८ श्लोकौ ।

तत्र उपायांतरमाहेत्याह । **किंचेति । केवल**मवधारणे शंकायाम् । जातिनिह्नवादे हेतुत्वमित्याह । **वक्ष्येति ।** तान्येवाह । **जातीति ।** निह्नवपदस्य प्रत्येकं संबंधः । डवित्थे इति यादृच्छिकी संज्ञा । **देशो** व्यापकः, **ग्रामो** व्याप्यः । उपलक्षणे इयं तृतीयेत्याह । **लक्षिता इति । द्यूतेति ।** तत्र द्वंद्वोत्तरपदको द्वंद्वः । समभिहारात् स्त्रीविशेषरूपा न तु सामान्यभूतेत्याह । **द्यूतपण्यांगेति ।** इदमुपलक्षणमित्याह । **आदीति ।** अत्र कारणमुक्तं कुतस्त्योऽसीत्यादिना । ननु अत्र द्वयोरेवोक्तत्वाज्जात्या सर्वग्रहणे सिद्धे व्यक्त्याशयेन बहुत्वस्यानुपयोगाद्बहुवचनासंगतिश्च अत आह । **बह्विति ।** तथा च प्रकृतिरन्येषामप्युपलक्षणम् । अर्धर्चा इतिवद्वेति । तद्विवक्षाया बहुवचनम् । अत एव प्रकृतिप्रत्ययविरोधाऽपि नेति भावः ।

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१ लवित्थ इति डित्थ इति च मिताक्षरापाठौ । २ तात्पर्यार्थमाहानीति ।

अनतिप्रसंगायाह । **निष्केति** । गूढं यथा तथा चरंतीति शाब्दोऽर्थस्तत्फलितमाह । **वेषांतरेति । गूढेति** । आच्छादयित्वेत्यर्थः । आवश्यकव्ययेऽदोषादाह । **बह्विति** । भूम्नि तत्र मतुप् । विनष्टद्रव्याणि विक्रीणते इति पचाद्यच् । गंगाधरवत्तत्फलितमाह । **ये चेति** । विक्रायकाः तत्कर्तारः ण्वुलन्तम् । शंकयेत्यस्यत्राप्यन्वय इत्याह । **चौर्यसमिति** ।

वक्ष्यमाणसंगतये तत्सूचितमेव विशेषमाह । **एवमिति । नानेति** । बहुव्रीहिः । मात्रपदेन परीक्षाव्यवच्छेदः । **चौर्येति** । चौर एवायमिति निश्चयमित्यर्थः ।

अन्येति । कात्यायनोऽप्येवमेव । अन्यस्य चौरस्य हस्तात्परिभ्रष्टं च्युतं भुवि खन्यमानायामन्यार्थमत एवाकामादनिच्छयोत्थितं प्राप्तमन्यदीयं पूर्वं प्रतिक्षिप्तं त्यक्तं इत्यर्थः । तथा चेदमेवमुक्तानेनापहृतमिति परीक्षा कार्येति भावः । तदाह । **यत्नादिति । नारदांतरमाह । तथेति** । यत इति शेषः । यतो द्विविधा भावाः पदार्थाः दृश्यंते तस्मादित्याद्यर्थः । द्वैविध्यमेवाह । **असत्याः सत्येति** । अत एव विविधा इत्यपपाठः ॥ २६७।२६८ ॥

याज्ञवल्कीये २६९ श्लोकः ।

अत एवाह । **एवमिति** । उक्तप्रकारेणेत्यर्थः । **आत्मा** स्वस्वरूपम् । **चौर्ये इति** विषयसप्तमी । शंकायामन्वेति । तदाह । **यदि चौर्येति** । **तत्** ततः तच्छंकातः । लिङर्थो न विवक्षित इत्याह । **यतीति** । उत्तरार्धमग्रिमस्याविशेषस्य सामान्येनानुवादोऽन्यथा पौनरुक्त्यापत्तेरत आह । **वक्ष्येति** । अनुपदमेवेति भावः । धनदानेति पाठः । यद्यपि दापनं वक्ष्यमाणं तथापि तस्य राजधर्मत्वेन चोरानिष्टत्वात्ततोऽर्थसिद्धस्य दानस्यात्र ग्रहणं अत एव दापनेत्यपपाठः । **आदिना** तदग्रिमपरिग्रहः । अनुवादत्वादेवाह । **दंडभाग्भवेदिति**। संभावने लिङ् अनुवादफलं प्रदर्शयन् वचनसार्थक्याय तात्पर्यार्थं प्रतिज्ञातमाह । **अत इति** ।

नन्वयमप्यस्य नार्थः प्रमाणस्य । भावगोचरत्वेन निःस्वरूपेऽभावात्मके तुच्छे मिथ्योत्तरे प्रमाणाप्रसक्तेरित्याशयेन शंकते । **नन्विति** । उक्तत्वादाह । **दिव्येति** । साक्षात्तद्विषयतया तथापीति मानुषं कारणं संसृष्टे मिथ्योत्तरे भावरूपमिथ्यात्वे यत्कारणं तस्य यत् साधनं तन्मुखेन तद्द्वारा अभावमपि गोचरयत्येवेत्यन्वयः । अत एव पूर्वपक्षे साक्षादित्युक्तम् । तथाच शुद्धमिथ्योत्तरे दिव्यमेव । संसृष्टे तु मानुषमप्यनया रीत्येति भावः ।

एतदेवोदाहरणेन विशदयति । **यथा नाशेति** । द्रव्यनाशापहारयोः कालेऽहं देशांतरस्थित इति चौर्यशंकया गृहीतेनाभियुक्ते साक्ष्यादिभिर्भाविते साधित्वे चौर्याभावस्याप्यर्थात्सिद्धेस्तस्य शुद्धिरेवेत्यर्थः ॥ २६९ ॥

याज्ञवल्कीये २७० श्लोकः ।

चोरपदं तथापरमित्याह । **यस्तु प्रागुक्तेति** । दापने प्रकारद्वयमित्याह । **स्वरूपेणेति** । स्मृत्यंतराविरोधायाह । **तच्चेतीति । द्रव्येति** । द्रव्यापहारेत्यर्थः । अत्र मानमाह । **साहेति** । साहसाख्येषु प्रागुक्तेषु त्रिषु कर्मसु उत्तममध्यमाधमरूपेषु यो दंड उक्तः उत्तममध्यमाधमसाहसरूपः स एव त्रिषु द्रव्येषु उत्तममध्यमाधमरूपेषु स्तेयेऽपि तद्विषयस्तेयाख्ये कर्मण्यपि अनुक्रमात्तेनैव क्रमेण दंडो भवतीत्यर्थः ।

तथा चोत्तमद्रव्यापहारे उत्तमसाहसदंडविधानाद्वधस्याप्युत्तमसाहसात्मकदंडत्वेनोत्तमद्रव्यापहारविषयत्वमेव युक्तमिति भावः । तदाह । **वधेति** । अन्यविरोधं परिहराति । **यत्पुनरिति** । **अन्येति** बहुव्रीहिः । **एषां** चोराणां । **वृद्धशातातपो**ऽप्येवं । **अपेति** । वधस्येति भावः।

(उत्तरार्धः)

महत्यपराधे तत्रापि । तथा च **गौतमः** (अ. १२ सू. ४३।४५) । " न शारीरो ब्राह्मणस्य दंडः । कर्मवियोगविख्यापनविवासनाङ्ककरणानि । अवृत्तौ प्रायश्चित्ती स " इति । शारीरस्ताडनांगच्छेदनरूपः, कस्तर्हि दंड इत्याह । **कर्मेत्यादि** । तेन सह सर्वक्रियानारंभः । **विख्याप**-[1] डिंडिमकेन परिभ्रामणं स्तेयलक्षणप्रकाशनार्थम् । **विवासनं** देशान्निष्काशनम् । **अङ्ककरणं** श्वपदेनांकनम् । **अवृत्तौ** अन्येन प्रकारेण जीवनासंभवेन यदि स्तेयं करोति तदा तस्य प्रायश्चित्तमात्रं न दंड इति तदर्थः ।

वक्ष्यमाण**मनो**राह । **ललाटे इति** । आकारशब्दः सदृशवाची । विशेषमाह । **एतच्चेति** । श्वपदाकारमङ्कनं चेत्यर्थः । अनेन दंडप्रायश्चित्तयोः क्रमः सूचितः । **सर्वे** ब्राह्मणक्षत्रियविशः **यथोदितं** यथाशास्त्रविहितं प्रायश्चित्तमित्यन्वयः ॥ २७० ॥

याज्ञवल्कीये २७१ श्लोकः ।

ग्रामेत्युक्तेराह । **यदि ग्रामेति** । घातितापहृतयोर्भावयोर्विकल्प इत्याह । **मनुष्येति** । 'सर्वं वाक्यमिति' न्यायेनाह । **एवेति** । तत्प्रयुक्तदोष इत्यर्थः । प्रतिज्ञातं तात्पर्यार्थमाह । **तत्परीति** । अनिर्गते इति सति सप्तमी । तत्र प्रतियोगी लक्ष्योऽर्थ इत्याशयेन सत्तात्पर्यार्थं तद्व्याचष्टे । **तदुक्ताविति** । **तद्विषयेति** । तद्देशाधिपतिरित्यर्थः । एवेन ग्रामपतिनिरासः । **चौरं धनं वेति** । आदौ चौरमर्पयेत्तदशक्तौ धनमित्यर्थः । **गोचरे** विषये ग्रामादिरूपे **ग्राह्यः** ग्राहणीयः । अशेषमिति छेदः । अथवा अशेषं धनं दापनीयः । तच्छेषमाह । **यदीति** । अशेषपदेन दंडस्यापि ग्रहणम् । **पुन**स्त्वर्थे । यदि तत्पदमन्यत्र पातितं तदा यथासंभवं सामंतादीन् दापयेदित्यर्थः । अत एव चेदन्यत्रेति पाठांतरम् । **एवेन** तद्व्यावृत्तिः । उत्तरार्धार्थमाह । **विवीते त्वित्यादिना** । 'प्रचुरतृणकाष्ठो रक्ष्यमाणः परिगृहीतो भूप्रदेशो विवीत' इति स्वामिपालप्रकरणे उक्त एव । प्राग्वत् विवीते इत्यर्थाल्लब्धं यथोत्तरान्वयि । मार्गविवीतकयोर्विकल्पोऽर्थात् । अत एव चौरोद्धर्तुरित्यस्यार्थद्वयमाह । **यदा त्विति** । अविवीतके इत्यस्यार्थो **विवीतादिति** । यथासंख्येनाह । **मार्गेति** ॥ २७१ ॥

याज्ञवल्कीये २७२ श्लोकः ।

स्वसीम्नीत्यस्यार्थमाह । **सीमेति** । **ग्रामाद्बहिरित्य**नेन ग्रामपतिव्यवच्छेदः । एवमग्रेऽपि । आदिना वधः । ग्रामपदं जने लाक्षणिकमित्याह । **तद्ग्रामेति** । **पदं वेति** । व्यवस्थितविकल्प इत्याह । **यदीत्यादि** । **आदिना** विवीतादिपरिग्रहः । **आदिना** धनार्पणादि तत्तद्ग्रामादित्यादिः । घातिन इत्यादिप्रथमांतः पाठः । प्रागुक्ताविषयत्वायाह । **चौरेति** । आर्थिकविकल्पमाह । **वा दद्यादिति** । ग्रामसमूहसंख्याया अनियतत्वादिदमपि दिक्प्रदर्शनमत एव यथासंभवं व्यवस्थितविकल्पोऽयम् । नन्वेवं 'अथवा पुनरिति' व्यर्थं उक्तरीत्या नियतपक्षद्वयस्यैवाभावेन तत्परतयाऽपि तस्यात्यंतमनुपयोगादित्यत आह । **विकल्पेति** । प्रत्यासत्तिमनतिक्रम्येत्यव्ययीभावः । **तत्प्रेति** पाठे तयोः प्रेत्याद्यर्थः ।

[1] मि. पृ. १०९ पं. १७

अपहाराधारभूप्रदेशाधे ग्रामाः प्रत्यासन्नास्ते एव दद्युर्न तु पंचग्राम्येव दशग्राम्येवेत्येवं नियम इति । एवं नियमनिवृत्त्यर्थमथवेति विकल्पवचनमित्यर्थः ।

विशेषमाह । **यदा त्विति । अन्यतः** चोरग्रामाधिपादितः । दापनेऽन्वयः । **अवजित्य** ततः परावर्त्य परीक्षणोत्तरमपि दापनसमये कारणांतरवशात्संदेहे विशेषमुक्तरीत्यैवाह । **मुषितेति । यदीति । तस्मिन्** उक्तलिंगवशाच्छंकया ग्रहणोत्तरं परीक्षिते चौर इति निश्चित्य गृहीते पुरुषे धनं दाप्यमाने सति यदि **मोषे** चौर्ये संदेहो भवेत् कारणांतरतः, तदा बंधुभिर्धर्मबंधुभिः साक्षिभिः साधयेत् संदेहनिवृत्तिं कुर्यात्; अथवा शपथं दाप्यः, स इत्यर्थः ।

यद्यप्यत्रादौ दिव्यमुक्तं तथाप्यस्य क्रमाबोधकत्वात्तयोः क्रमस्य पूर्वं स्पष्ट मुक्तत्वात्तथैवेति भावः । अत एव प्रतिज्ञायां तथैवोक्तम् । शुद्धमिथ्योत्तरे तदसंभवात्तस्यैवावश्यकत्वमभिप्रेत्य **मुनिना** तथोक्तं एतदभिप्रायेणापि दिव्यस्येति प्रागुक्तम् । व्याख्यात्रेति बोध्यम् । तथा शब्दः किंचेत्यर्थे आदौ बोध्यः ॥ २७२ ॥

याज्ञवल्कीये २७३ श्लोकः ।

बंदिग्राहादिकं चोरविशेषणमित्याह । **बंदीति । आदिना** वाजिकुंजरहारिग्रहणम् । तत्र चैन गोरथादिग्रहणम् । प्रसह्येत्याद्यर्थो बालघातिकान् तांश्च । क्वचित्तथैव पाठः । नरानित्यस्य व्याख्या चौरानितिवत् । बन्दिरोधस्थानं ग्राहयंति ते बन्दिग्राहाः ।

ननु शूलानारोपयेदित्यनेन तेषां तावन्मात्रं प्रतीयते, न वधः, तथा च श्रोत्रियायोपकल्पयेदित्यत्रेवात्रापि तावन्मात्रेणैव विधिसिद्धेस्तन्मात्रमेव कृत्वा पुनरुत्तारणं कार्यं न वध इत्यत आह । **अयं च वधेति ।** अत्र मानमाह । **अग्न्यगारेति** । हर्तॄंश्चेति पाठः । **अविचारयन्** अविलंबयन् । अनेन तेषामपि एकदेशानुमतिद्वारा वधे सिद्धे केन प्रकारेण स इति विशेषाकांक्षायां शूलारोपणरूपप्रकारविशेषो मूले उक्त इति भावः ॥ २७३ ॥

याज्ञवल्कीये २७४ श्लोकः ।

विस्रस्य ग्रंथिं विमुच्य उत्कृत्य छित्वा ताविति । उत्क्षेपकः करहीनो ग्रंथिभेदस्तर्जन्यंगुष्ठेन हीन इति भावः । संदंशपदं गौणलाक्षणिकमित्याह । **सद्दशेनेति । तर्जेति** मध्यमपदलोपी समासः । इदमर्थात्प्रथमापराधविषयं अत एवाह । **द्वितीयापराधे पुनरिति** । पादैकसंख्याऽस्य वक्ष्यमाणमन्वनुरोधेन निरासायाह । **उत्क्षेपकेति** ।

विशेषमाह । **एतदपीति** । अपिना पूर्वसमुच्चयः । **द्रव्येति** तदपहारेत्यर्थः । तत्र मानमाह । **तदंगेति** । न्यूनतां निराचष्टे । **तृतीयेति । अंगुली इति** द्विवचनं तद्द्वयं च तर्जन्यंगुष्ठात्मकमेव संभवेन पूर्वसंदंशपदे न तस्यैव ग्रहात् । **प्रथमे इति** । प्रथमे ग्रहणे इत्यर्थः । प्रथमचौर्य इति यावत् । **हस्तेति** । अत्रेतरेतरद्वंद्व आर्षः । **जातीति** जातिश्च द्रव्यं च परिमाणं चेति द्वंद्वः । ततो यन्मूल्यादि तदनुरोधेनेत्यर्थः । अनुकदंडस्थले इति भावः । **इतीति** । इत्यन्यत्रोक्तत्वादित्यर्थः ॥ २७४ ॥

याज्ञवल्कीये २७५ श्लोकः ।

इदमप्युपलक्षणमित्याह । **जातीति** । जातिश्च द्रव्यं च परिमाणं च परिग्रहश्च विनियोगश्च वयश्च शक्तिश्च गुणश्च देशश्च कालश्च तदादीनां स्मृत्यंतरोक्तानामित्यर्थः । तत्र ब्राह्मणपरिगृहीताया

गोर्हरणेऽधिको दंड इति ब्राह्मणपरिग्रहोऽधिकदंडकारणं तथा यदि सैवाग्निहोमार्थं दोहाय विनियुक्ता तदा तस्या हरणे ततोऽप्यधिको दंड इति विनियोगोऽप्यधिकदंडकारणम् । एवंविधपरिग्रहविनियोगयोरभावे तावेव न्यूनदंडकारणे इति बोध्यम् । महदर्थः **उत्तमेति** । बहुवचनान्तानां द्वंद्व इति भावः ।

उत्तरार्धं व्याख्यातुमेतद्विषयं विवेचयितुं चोपयुक्तमाह । **क्षुद्रादीति । मृद्भांडेति ।** यथाऽत्र प्रयोगसिद्धिर्भवति तथा द्वंद्वः कार्यः । एवं हिरण्यरत्नेत्यत्रापि । **मृद्भांडं** मृन्मयं **शमीधान्यं** माषादिमाषादयः “ शमीधान्ये शूकधान्ये यवादय ” **इत्यमरः** (२।९।२४) । **कृतान्नं** साधितान्नम् । ओदनादिवर्जमिति णमुल्, वर्जयित्वेत्यर्थः । लोहं च रजतादिकं मध्यमिति द्रव्यमुदाहृतमित्यस्यानुषंगः । अग्रे सर्वानुषंगो यथासंभवम् । **व्रीहीति** । बहुवचनांतयोर्विभाषा वृक्षेति । (व्या. सू. २।४।१२) पाक्षिक इतरेतरद्वंद्वः । **गोगजेति** । एवं च गोवर्जमित्यत्र गोपदमनयोरप्युपलक्षणमिति भावः । **देवेति** । अभ्यर्हितत्वात्पूर्वनिपातः । **च द्रव्यं** द्रव्याणि च ।

एतत्प्रसंगाद्विरोधायाह । **त्रीति । औत्सर्गिकः** सामान्यविहितः । **तेनैव नारदे**नैव । तच्चानुपदमेव व्याख्यातम् । नन्वेवं मूलविरोधस्तस्येति मूलस्य का गतिरत आह । **मृन्मयेष्विति ।** मणिकादयस्तत्पात्रविशेषाः इदं क्षुद्रद्रव्यमात्रोपलक्षणम् । **गो वेति** । इदं मध्यमद्रव्यमात्रस्य अभ्यर्हितत्वान्माहिषस्य पूर्वनिपातः । एवं कनकेत्यत्रापि । इदमप्युत्तमद्रव्यमात्रस्योपलक्षणम् । तरतमभावोऽस्तीति पाठः । तारतम्येति पाठे स्वार्थे ष्यञ् । यद्वा तारतम्यस्यावांतरवैलक्षण्यस्य भावः । स नास्तीत्यर्थः । प्रत्येकमिति शेषः । अत एव त्रिष्वपि मणिकादीत्यादिना प्रत्येकमुत्तमाधमयोर्ग्रहणं कृतम् । **उच्चावचेति ।** यद्यप्ययं मयूरव्यंसकादिस्तत्र चोदक्चावाक्चोच्चावचमित्यभियुक्तैर्व्याख्यातं तथाप्युच्चनीचमित्यर्थे स इति मतेनेदं तत्र लक्षणा वेति भावः । तथा च **नारद**तो यथाक्रमं तेषु त्रिषु त्रिविधोक्तरूपदंडस्याविशेषेण प्राप्तौ अवांतरतारतम्येन तद्विशेषाकांक्षायां विशेषबोधकं मूलवचनपूर्वार्धमिति अयं तात्पर्यार्थ इति आशयः ।

‘ मूल्यादी’त्यादि शब्दं संग्राह्यप्रदर्शकमूलोत्तरार्धं व्याचष्टे । **तत्र चेति** । तस्यां पूर्वोक्तायामित्यर्थः । **दंडकर्मणीति । मौल**स्य व्याख्या दंडकल्पनायामिति । बीजमाह । **तद्धेत्विति । शक्तीति ।** अनेन मूलेऽपि समाहारद्वंद्वः सूचितः । पूर्वनिपातः प्रागवत् । समर्थमाह । **सम्यगिति** । नन्वत्रैते एव चत्वार उक्ताः अवतरणे त्वन्येऽप्युक्ता इति विरोधोऽत आह । **एतच्चेति । दीनां** तेषामपि । **आदिना** विनियोगादिपरिग्रहः । तथाचात्रोपात्ता एव दंडकल्पनामाह हेतव इति न किंतूपलक्षणतया स्मृत्यंतरोक्ता अन्येऽपि अत एव तद्विरोधोऽपि नेति भावः । तदेव स्मृत्यंतरजातमनुक्रमेण दर्शयति । **तथाहीत्यादिना** । तत्र तावद्वर्णरूपजात्यपेक्षया गुणापेक्षया च स्तेयविशेषेण दंडविशेषबोधकं **वासिष्ठ**माह । **अष्टापाद्यमिति** । अत्र दंडानुक्तेरसंबद्धत्वनिरासायाह । **अयमर्थ इति । लक्ष्यते इति** तस्य तत्कार्यत्वात् । विदुष इति उपात्तं शूद्रस्य एवमेवाग्रेऽपि विशेषेणापीत्याह । **विदुषामिति** विशेषणम् । आतिक्रमे इत्यस्य मध्यमाणिन्यायेनोभयत्रान्वयस्तदाह । **स विद्वदिति ।** अष्टन् शब्दोऽपि लाक्षणिक इत्याह । **अष्टगुण इति** । विदुष इति वचनविपरिणामेन बिडालादिस्तेये विषये प्रतिवर्णमिति शेषः । **द्विगुणोत्तरेति** । उत्तरमुत्तरं द्विगुणानीत्यर्थः । ‘ मयूरेति ’ (व्या. सू. २ । १ । ७२) समासः । तदर्थमाह । **षोडशेति** । उक्तहेतोरतिक्रमे इत्यादि हेतुपरमित्याह । **यस्मादिति** । अनेन यत इति शेषः सूचितः तत्र ।

इतिरर्थसमाप्तौ । **अपि**ना येन दोषेण शूद्रस्य दंडो भवति धर्मतः तेन विट्क्षत्रविप्राणां द्विगुणो द्विगुणो भवेदिति । **कातीय**समुच्चयः । **अष्टेति** अर्थः प्राग्वत् । एवः पद्ये एव पूर्वोत्तरयोरपि संबध्यते । 'तद्दोषे'त्यस्य तु सर्वत्र पद्यद्वये संबंधः । तस्य वस्तुनो दोषगुणयोर्वेदने ज्ञाने सतीत्यर्थः । एवं **वासिष्ठे** विद्वत्ताऽप्येतद्विषयैव । एतदर्थमेव **मनू**क्तिः । **तद्दोषगुणविद्धि य इति** । तत्र पाठांतरं **कल्पतर्वा**दिसंमतम् । गुणविद्विष इति त्वपपाठः । अर्थासंगतेः ।

ब्राह्मणस्य तु तत्रापि गुणाद्यपेक्षया पक्षत्रयमाह । **ब्राह्मणस्येति** । अत एव पूर्वत्रैवकारः सफलः तथा चायं दंडः शूद्रत्वादिजात्यपेक्षो विद्वत्वरूपगुणापेक्षश्चेति तयोरत्र हेतुत्वमिति भावः । द्रव्यपरिमाणेति भिन्नमिति सूचयन् व्युत्क्रमेणाह । **तथा परीति । धान्यमिति** । दशसंख्येभ्यः कुंभेभ्योऽभ्यधिकं धान्यं हरतो वधः । 'शेषे त्विति' पाठः । शेषेऽपीति पाठेऽ**पि**स्त्वर्थे शेषेष्विति पाठांतरम् एकस्मादारभ्य दशकुंभपर्यंतहरणे अपहृतादेकादशगुणं दंडं दाप्यः । स्वामिनश्चापहृतं धनं दाप्य इत्यर्थः । कुंभोऽत्र न प्रसिद्धः, किंतु परिणामविशेष इत्याह । **विंशतीति** । द्विपलशतं द्रोणः ।

नन्वत्र वधदंड उक्तः । स च ताडनादिप्राणवियोजनांतव्यापाररूपस्तथा च सर्वत्र समुच्चयापत्तिरत आह । **हर्तुर्ह्रियेति** । हर्तुर्गुणापेक्षया ह्रियमाणस्य द्रव्यस्य गुणापेक्षया **स्वामिनो** गुणापेक्षया चेत्यर्थः। परिमाणशब्दः परिच्छेदकमात्रपर इत्याह । **तथा संख्येति** । तत्रादौ **नारद**माह। **सुवर्णेति । सर्वेषां** साधारणानाम् । अभ्यधिकमिति पाठः । एवं प्रागपि । **मनु**माह । **थं चेति** । तथा धटितमेयानां शतादभ्यधिकं वधः सुवर्णरजतादीनामुत्तमानां च वाससामिति पूर्वमितः धटितमेयानां तुलापरिच्छेद्यानां पूर्वोक्तानामेव पंचाशतोऽभ्यधिके हस्तछेदः । अत्र शतादिपलसंबंधिबाध्यं शेषेषु एकपलादारभ्य पंचाशत्पर्यंतमपहारेऽपहृतद्रव्यमूल्यादेकादशगुणं दंडं दापयेदित्यर्थः । स्वामिने वस्तुदानं तु समानमेवेति भावः । द्रव्यविशेषादपि दंडगुरुत्वं दृश्यते इत्यस्यानुषंगः ।

मनुमाह । **पुरुषाणामिति** । 'मुख्यानां चैव रत्नानामिति' सर्वसंमतस्तृतीयपादे पाठः । रत्नानां चैव सर्वेषामित्यपपाठः । अत एव प्रागुक्त**नारद**विरोधो न अत एव च महाकुलजातानां मनुष्याणां विशेषेण स्त्रीणां महाकुलप्रसूतानां श्रेष्ठानां च रत्नानां वज्रवैदूर्यादीनां अपहारे वधमर्हति **इति** तद्व्याख्यातारः । कुलीनानामित्युक्तेः फलमाह । **अकुलीति** । स्त्रीणां पुरुषाणां चेत्यर्थः । **नारद**माह। **पुरुषमिति** । स्त्र्यपराधे तदपहारे सर्वस्वं तदपहारो दंडः प्रोक्तः । स्त्र्यपहारे तु सर्वस्वमिति पाठान्तरम् । तत्रैव विशेषमाह । **कन्यामिति** । वधो दण्डः प्रोक्तः सर्वस्वहरतो नारीमिति **कल्पतरौ** तृतीयपादपाठः । **कात्यायनो**ऽपि ।

" सर्वस्वं हरतः स्त्री तु कन्यापहरणे वधः । वाजिवारणबालानां चाददीत बृहस्पतिः। " इति सर्वस्वमित्यस्यानुषङ्गः ।

एवं दंडपुरुषत्वमुक्त्वा क्षुद्रद्रव्यविषये एव संभवादल्पानुसारेण लघुदंडमाह । **क्षुद्रेति** । **माषेति** । माषतो न्यूनेत्यर्थः । क्वचित्तु तथैव पाठः । अत्र मानमाह । **काष्ठेति** । तस्य भांडेत्यर्थः । अभ्यर्हितत्वात्पूर्वनिपातः । एवं लवणेत्यत्रापि । वेणुश्च तद्विकारभांडानि मितजलाहरणपात्राणि । यच्चान्यत् पशुसंभवं मृगचर्मखड्गशृंगादि अन्येषामप्येवंविधानां असारप्रायाणां मनःशिलादीनां षट्कानामोदनभिन्नानामपूपादीनां अन्येषां प्रसिद्धानां चापहारे कृते मूल्याद्द्विगुणो दंड इति तद्व्याख्यातारः ।

अल्पमूल्ये उक्तत्वादाह। **अल्पप्रयोजनेति**। इदं च कालादीनामित्यादिसंग्राह्यम्। दंडाल्पत्वे अन्यदण्डगुरुत्वे तत्संग्राह्यमाह। **तथाऽपेति**। वक्तुं **मनु**मतेनेति शेषः। 'संधिमि'त्यादेः उक्तमुपसंहरति। **एवमिति**। उक्तप्रकारेणेत्यर्थः।

विशेषमाह। **यथेति**। कर्तरि षष्ठी। तादृशद्विजकर्तृकाल्पापहार इत्यर्थः। **अध्वगः** पथिकः। **क्षीणवृत्तिः** क्षीणपाथेयश्च। **द्विजो** द्विजातिरित्यर्थः। अन्यदपि तदुक्तमेवाह। **तथेति**। व्रीह्यादिद्वंद्वोत्तरपदको द्वंद्वः। **अनिषिद्धैः** स्वाम्यादिकृतनिषेधरहितैर्**भक्तं** अन्नं **सप्तमे** भक्ते चतुर्थदिनस्थे तस्मिन् प्राप्ते सति। **अश्वस्तेति**। द्वितीयदिवसे यथा नोर्धराति (?) तेन प्रकारेणेत्यर्थः। **हीनेति** अल्पाचाराद्धर्तव्यां न तत्कृष्णाचापि हीनजातेरित्यर्थः। किं च "वानस्पत्यं फलं मूलं दार्वग्न्यर्थं तथैव च। तृणां च गोभ्यो ग्रासार्थमस्तेयं मनुरब्रवीदिति" **मनुः** (अ. ८ श्लो. ३३९)। 'अनिरुद्धेति' प्रागुक्त**गौतमा**दपरिवृतवनस्पत्यादीनां वानस्पत्यं यत्र पुष्पादि मूलं फलं होमीयाग्न्यर्थं दारुणे ग्रासार्थं तृणं परकीयमस्तेयं मनुराह तस्मान्न दंड इत्यर्थः॥ २७५॥

याज्ञवल्कीये २७६ श्लोकः।

चौरोऽपेति। तथा च अथ तदतिदेश उच्यते इति भावः। **भक्तेति**। द्वंद्वः प्राग्वत्। अज्ञाने 'दोषाभावाय जानत' इति पदार्थानाह। **भक्तमित्यादि**। **चौरस्य** तदादेः। एवमग्रेऽपि बोध्यम्। वाक्यार्थमाह। **एतानीति**। भक्तादिव्ययांतानि वस्तूनीत्यर्थः। एतानिति पाठस्तु सम्यगेव। उभयसंग्रहायाह। **दुष्टत्वमिति**। **मनु**रपि (अ. ९ श्लो. २७१—२७५)

ग्रामेष्वपि च ये केचिच्चौराणां भक्तदायकाः। भांडावकाशदाश्चैव सर्वांस्तानपि घातयेत्॥
" राष्ट्रेषु रक्षाधिकृतान् सामंतांश्चैव चोदितान्। अभ्याघातेषु मध्यस्थान् शिष्याच्चौरानिव द्रुतम्॥
" यश्चापि धर्मसमयात् प्रच्युतो धर्मजीवनः। दंडेनैव तमप्योषेत् स्वकाद्धर्माद्धि विच्युतम्॥
" ग्रामघाते हिताभङ्गे पथि मोषाभिदर्शने। शक्तितो नाभिधावन्तो निर्वास्याः सपरिच्छदाः॥
" राज्ञः कोशापहर्तृंश्च प्रतिकूलेषु च स्थितान्। घातयेद्विविधैर्दंडैररीणां चोपजापकानिति॥ "
" अग्निदान् भक्तदांश्चैव तथा शस्त्रावकाशदान्। सन्निधातॄंश्च मोषस्य हन्याच्चौरमिवेश्वरम्॥ " इति।
"यो दत्तादायिनो हस्ताल्लिप्सेत ब्राह्मणो धनम्। याजनाध्यपनेनापि यथा स्तेनस्तथैव सः॥ "

(म. अ. ८।३४०) इति च। रक्षेति ग्रामनिवासिनः प्रजानाम्। चौरादिभिः उपघाते क्रियमाणे मध्यस्थानपेक्षकान् चौरवद्दंडयेत्। हिताभङ्गे परक्षेत्रोत्पन्नसस्यविनाशनं मोषादिभिर्दर्शनेऽपहृतद्रव्यदर्शने मोषस्यापहृतद्रव्यस्य अदत्तादायिनश्चौरस्य हस्ताद्यो ब्राह्मणो याजनाध्यापनप्रतिग्रहैर्वाऽपि परकीयधनं ज्ञात्वा लब्धुमिच्छेत् स चौरतुल्यस्तद्दंड इत्यर्थः। विशेषमाह। **चौरोऽपेक्षीति दोषः**॥ २७६॥

याज्ञवल्कीये २७७ श्लोकः।

किंचेति। अतिदेशप्रसंगादन्यस्यापि दंडमाहेत्यर्थः। एवमग्रेऽप्युभयत्र। **पुरुषस्त्री**इति आर्षम्। स्मृत्यंतराविरोधायाह। **दासीब्राह्मेति**। तदेवाह **दासीत्यादिना**। **अभीति**। साहसप्रकरणे इति भावः। विनाशे तु विनाशने तु। **वक्ष्यतीति**। प्रायश्चित्ताध्याये इति भावः। **प्रमापणे** मारणे। नायमैच्छिकविकल्प इत्याह। **शीलेति**। शीलं स्वभावः वृत्तम्। **आदिना धर्मः**

तद्विशिष्टस्य पुरुषस्य तथा स्त्रियाश्च मारणे उत्तमसाहस स तद्राहित्ये तु प्रथमसाहस इति विकल्पव्यवस्था । द्वितीयवाशब्देन यच्छीलादिवैशिष्ट्ये तथा सति पारिशेष्यान्मध्यमसाहसपरिग्रह इति बोध्यम् ॥ २७७ ॥

याज्ञवल्कीये २७८ श्लोकः ।

विप्रेण दुष्टामित्यर्थनिरासायाह । **विशेषेणेति** । तस्यार्थद्वयमाह । **भ्रूणेति** । 'सेतुभेदकरी' त्यत्र टप्रत्ययस्तदाह । **सेतूनामिति** । अगार्भिणीमिति' सर्वविशेषणम् । **स्त्रियमिति** सर्वविशेषामित्याह । **एता गर्भेति** । साकाङ्क्षत्वादाह । **गले इति** । तात्पर्यार्थमाह । **यथेति** । तथा च घाते तात्पर्यं तत्र न तात्पर्यमिति भावः ॥ २७८ ॥

याज्ञवल्कीये २७९ श्लोकः ।

विषेति । आर्षं विकर्णेत्यत्राप्येवम् । युक्तिसाम्यादाह । **गर्भिणीमिति** । अन्यथा दाने दोषायाह । **परेति** । दाहार्थमिति च । अत्र क्रियानुषंगः । निजत्वं सर्वविशेषणमित्याह । **निजपतीति** । स्पष्टार्थमिदमिति बोध्यम् । तां सर्वाम् वीत्यस्यार्थः छिन्नेति । कर्णकरेति प्राग्वत् । अन्यथा तदसंभवादाह । **अदांतैरित्यादि** । **प्रवाह्य** वाहयित्वा । ननु शस्त्रावपातं इत्यादेरत्रानुपयोगस्तस्य साहसत्वादत आह । **स्तेयेति** । तत्फलं तु विशेषलक्षणभेदेऽपि तत् सामान्यलक्षणस्यात्रापि सत्वमिति सूचनम् **साहसिकस्य** तदवच्छिन्नवस्तुनः । सामान्ये नपुंसकं दंडप्रदानं तदभिधानम् । क्वचित्तथैव पाठः ॥ २७९ ॥

याज्ञवल्कीये २८० श्लोकः ।

एतत्प्रसंगादेवाग्रिममित्याह । **अवीति** । अविज्ञातेनाहतेन हत इति समास इत्याह । **अवीति** । तस्य कलहे च शाब्दोऽन्वय इत्याह । **संबंधीति** । बांधवपदार्थः प्रत्यासन्ना इति । अस्येत्यस्यार्थो **सुतेति** । चो व्युत्क्रमे इत्याह । **याश्चेति** । न वेश्या विवक्षिताः शब्दस्वारस्याभावादित्याह । **व्यभीति** । पृथगिति शेषः ॥ २८० ॥

याज्ञवल्कीये २८१ श्लोकः ।

चरमे एवोक्तज्ञानाभावाद्विशेषशंकेत्याह । **कथमिति** । **इत्यत आहेति** पाठ इत्याशंकायामाहेत्यर्थः । वृत्तिर्नियतजीवनम् । द्वंद्वांते श्रूयमाणस्य कामस्य प्रत्येकं संबंधादाह । **किमयमिति** । एवं स्त्रीद्रव्येति सामान्येन व्याख्याय संभवात्तदेव विशिष्य व्याचष्टे । **तथेति** । तत्रापि प्रकारद्वयमाह । **कस्यामिति** । **कुतो** राजादितः ।

द्वितीयपादं व्याचष्टे । **केन वेति** । **तथेति** । तत्रापि इष्टासिद्धेराह । **विश्वास्येति** । अभयं दत्त्वेत्यर्थः ।

उत्तरार्द्धं व्याचष्टे । **तथेति** । गोपाश्च आटविकाश्च तदाद्या इत्यर्थः । मूले जातावेकवचनमिति भावः । शनैरित्यस्यार्थो **विश्वासेति** । तात्पर्यार्थमाह । **नानेति** । एवमित्यादिः क्वचिदस्य पाठ एव ॥ २८१ ॥

याज्ञवल्कीये २८२ श्लोकः ।

पक्वानि फलानि येषां तादृशानि यानि सस्यानि तदुपेतं पक्वाभ्यां फलसस्याभ्यामुपेतं युक्तं वा । यद्यप्ययं द्वंद्वस्तथापि यौगपद्यासंभवादाह । **खलं वेति** । 'खलं खर्याण' इति प्रसिद्धम् । कटसंबंध्य-

भिन्नेत्यर्थः । इष्टासिद्धेराह । कटैरिति । ततश्च तत्र मध्यमपदलोपिसमास इति भावः । यस्य तृणस्योशीरं मूलं स तृणविशेषो वीरणम् । 'स्याद्वीरणं वीरतरं मूलेऽस्योशीरमस्त्रियाम् (अमरः २।४।१६४) ननु इदमपि नोपयुक्तमत्रेत्यत आह । क्षेत्रादिति ॥ २८२ ॥

॥ इति स्तेयप्रकरणम् ॥

अथ स्त्रीसंग्रहणप्रकरणम् २४ ।

साहसप्रकरणादाह । स्त्रीति । संभेद्य प्रथमादिभेदेन तत् स्त्रीसंग्रहणम् । मध्येति समाहारद्वंद्वः । तत्राद्यमाह । अदेशेति । अदेशे अकाले च संभाषा संभाषणमित्यर्थः । निर्जने च अरण्ये च । क्वचित्तथैव पाठः । संभाषणमिति शेषः । कटाक्षेत्यत्रार्श आद्यच् । सकटाक्षावेक्षणमित्यर्थः । 'परस्त्रिया' इति षष्ठ्यंतस्य सर्वत्रान्वयः । क्वचित्तृतीयांतपाठः ।

द्वितीयमाह । प्रेषणमिति । सृष्टेति शुद्धेत्यर्थः । समीचीनेति पाठांतरम् । उभयविशेषणमिदम् ।

तृतीयमाह । सहेति । शय्यासने इति पाठान्तरम् । विविक्ते एकांते । उभयान्वयीदम् । परस्परमिति । आलिंगनहस्तावलंबादिभिरन्योन्यसंश्रय इत्यर्थः । केशाकेशिग्रहः क्रीडासंबंधिग्रहणम् । सम्यक् अर्थवत् संपूर्णम् । उत्तममिति यावत् । अत एव 'ज्ञेय उत्तमसंग्रह' इति पाठान्तरम् । विशेषे उक्तेऽपि सामान्यस्य केनाऽप्यनुक्तत्वात् स्वयं सामान्यलक्षणं तत् सूचितमेवाह । स्त्रीति । एवं सलक्षणं त्रैविध्यमुक्त्वा मूलमवतारयति । संग्रहेति ।

याज्ञवल्कीये २८३ श्लोकः ।

तत्कर्तुः संग्रहणकर्तुः तत् संग्रहणं सामान्येनार्थमाह । संग्रहेति । सप्तम्युपपत्तये आह । प्रवृत्त इति । तद्विषये प्रवृत्त इत्यर्थः । वक्ष्यमाणाशयेनाह । आदिभिरिति । अर्थादाह । लिङ्गैर्ज्ञात्वेति । ननु केशीति किमर्थकं कथं वा तृतीयांतमत आह । परस्परेति । एतल्लाभार्थमाह । तत्रेति । (२ । २ । २७) सप्तम्यन्ते ग्रहणविषये सरूपे पदे तृतीयान्ते च प्रहरणविषये इदं युद्धं प्रवृत्तमित्यर्थे समस्येते । कर्मव्यतीहारे स बहुव्रीहिः संज्ञ इति तदर्थः । इति शब्दादयं विषयविशेषो लभ्यते 'इच कर्मेति'। (व्या. सू. ५ । ४ । १२७) । कर्मव्यतीहारे यो बहुव्रीहिस्तस्मादिच् समासांत इति तदर्थः । क्रियाविनिमयः कर्मव्यतीहारः इति कर्मव्यतीहारबहुव्रीहौ पूर्वपदांतस्य दीर्घइत्यर्थकेन 'अन्येषामपि दृश्यते' (व्या. सू. ६ । ३। १३७) इत्यनेन पूर्वपदे दीर्घः । अन्ये 'तिष्ठद्गुप्रभृतिष्विति' । (व्या.सू. २ । १ । १७) प्रत्ययपाठादव्ययीभावत्वेऽव्ययत्वे च तृतीयाया अनदंतत्वेन 'अव्ययादाविति' (व्या. सू. २ । ४ । ८२) लुगिति भावः ।

विशिष्यार्थमाह । तथा चेति । तस्य तथार्थकत्वे सतीत्यर्थः । परस्त्रियेति । मूले सहयुक्त इति तृतीयांतमिति आह । परेति । लिंगांतरमाह । अभीति । सद्य इत्यस्यार्थोऽयं करजेति । कररुहेति पाठान्तरम् । ननु नखादिकृतव्रणानां नैतल्लिंगत्वं क्रोधप्रमादादितोऽपि तत् संभवादत आह । रागकृतैरिति । 'कामजैश्चिह्नै'रित्यस्यार्थोऽयम् ।

तुर्यपादार्थं तृतीयं तदाह । द्वयोरिति । यत्ताविति सत्सप्तम्या फलितमाह । संप्रतीति । द्वयोः स्वैरिणीजारयोः । संप्रतिपत्त्या अङ्गीकारेणेत्यर्थः ।

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१ ख-अकरणे । २ क-ख-फ-सप्तम्यंते क्रियाविषये सरूपे पदे तृतीयांते च क्रियाविषये सरूपे पदे इदं क्रियारूपं वस्त्वित्यर्थे समस्येते ।

ननु परग्रहणं व्यर्थं स्वभार्यायां तथाकरणे दोषाभावात् वेश्यायां दोषस्य वक्ष्यमाणत्वादत आह । **परेति** । अत एव परभार्ययेत्येवं तद्व्याख्यातम् । वैधपाणिग्रहणे एवं भार्यात्वात् यद्यपि नियुक्तायां नखक्षतादिचिह्नाभावः घृताभ्यंगविधानेन मिथुनीभावविधानान्नखक्षतादिकरणस्यनिषिद्धत्वात् तथापि द्वयोः संप्रतिपत्तिरस्तीति बोध्यम् । अवरुद्धादिषु तत्पूर्वोक्तानि सर्वाणि साधारणानि लिंगानि संति तथा च तैर्ग्रहणे प्राप्ते परभार्येत्यनेन तद्व्युदासः आद्यायां नियोगत्वेन तदावश्यकत्वादन्यस्यामप्यवरुद्धत्वेनैव तत्वासंभवादिति भावः ॥ २८३ ॥

याज्ञवल्कीये २८४ श्लोकः ।

उपायांतरमप्युच्यते इत्याह । **किंचेति** । 'नीवीकटचंशुकग्रंथिरिति' कोशादाह । **परीति** । तद्रूपदेशेत्यर्थः । स्तनौ प्रत्येकमिति आह । **कुचप्रेति** । इदमप्युपलक्षणमित्याह । **आदीति** । अन्यथा दोषाभावायाह । **साभीति** । अस्यायोग्यत्वादाह । **इवेति** । अन्वयाय योग्यक्रियां पूरयति । **आचरेति** । एवमग्रेऽपि बोध्यम् ।

अदेशेत्यनेन व्यासोक्तोभयं संगृह्णाति । **निर्जने जनताकीर्णेति** । तथा च तत्रादेशे इत्यनेन जनताकीर्णे इत्यस्यैव ग्रहः निर्जने इत्यस्य पृथगुपादानादिति बोध्यम् ।

तथा च **मनुः**— (अ. ८ श्लो. ३५६)

"परस्त्रियं यो अभिवदेत्तीर्थेऽरण्ये वनेऽपि वा । नदीनां वाऽपि संभेदे स संग्रहणमाप्नुयात्" ॥ इति ।

'अकाले' इत्यस्यार्थं **अंधकाराकुले काले चेति** । अकाले इति छेदः । सहैकेत्यस्य तया सहैकत्र स्थानं स्थितिं करोतीति शाब्दोऽर्थस्तत् फलितमाह । **परेति** । **तत्र एवो**ऽप्यर्थे तदाह । **सोऽपीति** ।

विशेषमाह । **एतच्चेति** । संग्रहणप्रवृत्तग्रहणं चेत्यर्थः । 'आशंक्येति' बहुव्रीहिः । **यस्त्विति** । यः पूर्वमनाक्षारितः परस्त्रीप्रार्थनाभिशापरहितः । असौ विट् इति न निंदितः केनाचित् कारणेन जनसमक्षमथाभिभाषणं कुर्यात् न स दंड्यत्वादिदोषं प्राप्नुयात् यस्माच्च कश्चित्तस्यापराधोऽस्तीत्यर्थः । एवं भिक्षुकादावपि न दोष इत्यपि **तेनै**वोक्तम् । **मनुः** (अ. ८ श्लो. ३६०)

"भिक्षुका वन्दिनश्चैव दीक्षिताः कारवस्तथा । संभाषणं सह स्त्रीभिः कुर्युरप्रतिवारिताः" ॥ इति ।

भिक्षुकाः भिक्षाजीविनः यतयो वा । बंदिनः स्तुतिपाठकाः । दीक्षिता यज्ञार्थं कृतदीक्षकाः । कारवः सूपकारादयः । एते भिक्षादिकार्यार्थं गृहिस्त्रीभिः सह संभाषणमनिवारिताः कुर्युरेवं चैषां संभाषणं ता अपि कुर्युरित्यर्थः । निवारणे तु नैवमित्यप्रतीत्यनेन सूचितम् ।

विशेषांतरमाह । **य इति** । **तेनैव मनु**नैव । एवमग्रेऽप्युभयत्र । **स्त्रियमिति** यस्मात् स्प्रष्टुमनुचिते स्तनजघनादिदेशे परस्त्रियं स्पृशेत्तया वा वृषणादिके देशे स्पृष्टः क्षमते तथाऽन्योन्यांगीकरणे सति यत् प्रवर्तमानसंग्रहणमिदं सर्वं संग्रहणं **मन्वादि**भिः स्मृतमित्यर्थः । **असकृदिति** । 'भूतपूर्वे चरडिति' (व्या. सू. ५ । ३ । ५३) चरट् ॥ २८४ ॥

प्रतीति । अनेन सह त्वया न संभाष्यमनया च सह त्वयेत्येवं पूर्वं प्रतिषिद्धयोः स्वैरिणीजारयोरित्यर्थः । **पुनः** पश्चात् ।

याज्ञवल्कीये २८५ श्लोकः ।

प्रत्यासत्त्या प्रतिषेधपदार्थमाह । **प्रतीति** । कर्मणि घञ् । अनेन निषेध इत्यत्राप्येवमिति सूचितं वाक्यार्थमाह । **प्रतीति** । शेषमाह । **प्रवर्तेति** । द्वितीयपादार्थमाह । **पुरुष इति** । उत्तरार्द्धमतिदेशविधिरित्याह । **द्वयोस्त्विति** । अनुक्तत्वादाह । **वक्ष्यते इति** । 'सर्वं वाक्यमिति' न्यायेनाह । **स एवेति** । विशेषमाह । **एतच्चेति** । उक्तदण्डश्चेत्यर्थः । **चारणा** नटादयः आत्मनोपजीविनश्च तद्भिन्नाः वेशावृत्तिजीविनां दाराः । विधिनात्मोपेतिपाठान्तरम् । तथा चैषः परस्त्रियं नाभिवदेदित्यादि संभाषणादि निषेधविधिः नटगायनादिदारेषु नास्ति तथा 'भार्यापुत्रः स्वका' इत्युक्तत्वात् भार्येवात्मा तयोपजीवन्ति धनलाभाय तस्य लाभं क्षमंते ये तेषां नटादिभिन्नानां ये दारास्तेष्वपि निषेधविधिर्नास्ति हि यस्मात्ते चारणा आत्मोपजीविनश्च परपुरुषानानीय तैः स्वभार्या संश्लेषयंते स्वयमागतांश्च पुरुषान् प्रच्छन्ना भूत्वा स्वज्ञानं विभावयन्तो व्यवहारयन्तीत्यर्थः । तत्रापि विशेष**स्तेनैव** उक्तः (अ. ८ श्लो. ३६३)

"किंचिदेव तु दाप्यः स्यात् संभाषां ताभिराचरन् । प्रैष्यासु चैकभक्तासु रहःप्रव्रजितासु चेति ॥" रहो निर्जने देशे चारणादिस्त्रीभिः संभाषणं कुर्वन् स्वल्पं दण्डलेशं राज्ञा दाप्यः तासामपि परकीयत्वात् । तथा दासीभिरवरुद्धाभिः बौद्धाभिर्वृद्धचारिणीभिः संभाषां कुर्वन् किंचिद्दण्डमात्रं दाप्य इत्यर्थः । तमिति यस्यातिदेशः पूर्वं कृतस्तमित्यर्थः ॥ २८५ ॥

याज्ञवल्कीये २८६ श्लोकः ।

स्वजातावित्युक्तिस्वारस्यादाह । **चतुर्णामिति** । मूलानुरोधेनाह । **साशीति इति** । द्वितीयपादार्थमाह । **यदा त्विति** । आनुलोम्यादौ स्वार्थे ष्यञ् च । अभिगमने इति शेषः । सर्वत्र तत्फलितमाह । **आनुलोम्येनेति** । उभयत्र दत्तयोर्गुप्तत्वागुप्तत्वयोर्मूलानुक्तयोर्विशेषणयोः फले आह । **यदा पुनरिति** । तत्रादौ अगुप्ता सवर्णागमने दण्डमाह । **सहस्रमिति** । अत्र पूर्वार्धे स्वजातावति मूलप्रथमपादोक्तसमानविषयं ब्राह्मणपदं विप्रपदं च क्षत्रियादेरप्युपलक्षणम् । तथा च क्षत्रियादीनामपि गुप्तसवर्णपरदारगमने एष एव विधिर्ज्ञेयः एतदुपयोगस्तु 'गुप्तां बलादिति' विषयविशेषस्य तत्र लाभ एव । एवं च पूर्वप्रकरणसिद्धिरन्यसिद्धिरपीति । इदमपि व्याख्यात्रोक्तम् । प्रकृतोपयुक्तं तूत्तरार्धमेव । यथा च रक्षितां सवर्णां सवर्णो बलेनोपगच्छन् सहस्रं दंड्यः स्यात् । व्रजन्नित्यत्र व्रजेदिति पाठे वाक्यभेदो बोध्यः । उत्तरार्धे 'इच्छंत्येति' बलादित्यस्य विपरीतोक्त्या तस्योक्तविपरीतार्थपरत्वावधारणेनागुप्तयेत्यर्थाल्लब्धम् ।

तथा चारक्षितया इच्छंत्या सवर्णया तु सहसंगतः सक्तन्मैथुनः पंचशतानि दंड्यो भवेदित्यर्थः । आनुलोम्येन गुप्तागमने दण्डमाह । **सहस्रमिति** । इदं च तत्र पूर्वतः पद्यचतुष्टयेन व्यवहितं तत्रेतोऽव्यवहिते ।

"वैश्यश्चेत्क्षत्रियां गुप्तां वैश्यां वा क्षत्रियो व्रजेत् । यो ब्राह्मण्यामगुप्तायां तावुभौ दंडमर्हतः"॥ (**मनु.** अ. ८ श्लो. ३८२) इत्यत्र क्षत्रियावैश्ययोः प्रकृतत्वात्ते क्षत्रियावैश्ये गुप्ते रक्षिते अनिच्छंत्यौ गच्छन् ब्राह्मणः सहस्रं दंडं दापनीयः । शूद्रायां रक्षितायां गमने क्षत्रियवैश्ययोरपि सहस्रमेव दंडो भवेदित्यर्थः ।

अगुप्तास्थले **तेनैवै**तदग्रे उक्तम् (अ. ८ श्लो. ३८४।३८५)

" क्षत्रियायामगुप्तायां वैश्ये पंचशतं दमः । मूत्रेण मौण्ड्यमिच्छेत्तु क्षत्रियो दण्डमेव वा ।

" अगुप्ते क्षत्रियावैश्ये शूद्रां वा ब्राह्मणो व्रजन्। शतानि पञ्च दण्ड्यः स्यात् सहस्रं त्वन्त्यजस्त्रियमिति " ॥

मूत्रं गर्धभस्य मुण्डनस्य दण्डस्य च विकल्पः दण्डश्च पंचशतरूपः शूद्रामित्यत्रापि अगुप्तामिति बोध्यम् । अन्त्यजश्चांडालादिः ।

विशेषमाह । **एतच्चेति ।** मूलाद्युक्तमुभयं चेत्यर्थः । **सखा** मित्रम् । आदिग्राह्यं वचने व्यक्तं **माता** सपत्नमाता **स्त्रीत्यस्य** त्रिषु संबंधः । अभ्यर्हितत्वात्तस्य पूर्वनिपातः । **आर्यो** गुरुः **प्रव्रजिता** बौद्धभिक्षुकी **धात्री** उपमाता **साध्वी** पतिव्रता **वर्णोत्तमेति** पुरुषोत्तम इतिवत् समासः । बहुव्रीहिर्वा । अतिदेशमाह । **गुर्वीति** । अत एवाह । **शिश्नेति । उत्कर्तनात्** छेदनात् । अन्ययोगे पंचमी । **अन्यः** धनदण्डः ।

मूलद्वितीयार्धाद्यपादं व्याचष्टे । **प्रातीति ।** इदं लाक्षणिकमित्याह । **उत्कृष्टेति** । 'पुंस' इत्यस्यार्थः **क्षत्रीति** । विशेषमाह । **एतच्चेति** । वधरूपदंडनं चेत्यर्थः। **अन्यत्र तु** अगुप्तायां तु । यद्यपि **मानवे** वक्ष्यमाणवाक्ययोर्व्युत्क्रमेणाव्यवहितपाठः अत एव तावतावित्यनेन वैश्यक्षत्रियपरामर्शस्तथापि 'अत्रैतच्चेति' मूलोक्ते अन्यत्र चोक्तक्रमेणैव मानाकांक्षेति । एतत् क्रमेण कथयन्नादावाद्ये मानमाह । **उभावपीति । हिर्निश्चये । तावेव** पूर्वोक्तावेव । तथा च क्षत्रियवैश्यावुभावपि रक्षितया ब्राह्मण्या सह **विप्लुतौ** संगतौ कृतमैथुनौ । **शूद्रवद्दण्ड्यौ ।** 'गुप्ते सर्वेण हीयते' इत्यत्रोक्तप्रकारेण सर्वेण शरीरेण धनेन च हीनौ कार्यौ । सर्वस्वं गृहीत्वा वध्यावित्यर्थः । पक्षांतरमाह । **कटेति ।** अत्र सर्वस्वग्रहणं नास्ति । कटाग्नीति मारणप्रकारविशेषोपदेशः । स च स्तेयप्रकरणे उक्तः । **वसिष्ठेन** तत्र विशेष उक्तः । (अ० ११सू० १–५) "शूद्रश्चेत् ब्राह्मणीमधिगच्छेद्वीरणैर्वेष्टयित्वा शूद्रमग्नौ प्रास्येत् ब्राह्मण्याः शिरसि वपनं कृत्वा सर्पिषाऽभ्यज्य नग्नां खरमारोप्य महापथमनुव्राजयेत् पूता भवतीति विज्ञायते । वैश्यश्चेत् ब्राह्मणीमधिगच्छेल्लोहितदर्भैर्वेष्टयित्वा वैश्यमग्नौ प्रास्येत्। अग्रे प्रागवत्। राजन्यश्चेत् ब्राह्मणीमधिगच्छेत् शरपत्रैर्वेष्टयित्वा राजन्यमग्नौ प्रास्येत्। अग्रे प्रागवत् । एवं वैश्यो राजन्याया मैथुनमाचरन् शूद्रश्च राजन्यावैश्ययोरिति । " इदं च प्राणांतिकं दण्डविधानं अत्यंतश्रोत्रियदारत्वादिगुणवत् ब्राह्मणीविषयंदण्डगुरुत्वात् ।

"वैश्यः सर्वस्वदण्डः स्यात् संवत्सरनिरोधतः । सहस्रं क्षत्रियो दंड्यो मौण्ड्यं मूत्रेण चार्हतीति " ॥ **मनुना** (अ० ८ श्लो० ३७५) इतः पूर्वमन्यत्र दंडांतरविधानाच्च ।

एवमाद्यैः संमतिरुक्ता । द्वितीयतामाह । **ब्राह्मणीमिति ।** सेवेतामितिपाठः । गच्छेतामिति तदर्थः । पंचशतमित्य बहुव्रीहिरर्श आद्यच् । अरक्षितां ब्राह्मणीं तु यदि वैश्यक्षत्रियौ गछेतत्तदा वैश्यं पंचशतं दण्डयुक्तं कुर्यात् क्षत्रियं तु सहस्रं दण्डोपेतं कुर्यात् इत्यर्थः । रक्षाद्यर्थमधिकृतत्वेन क्षत्रियस्य वैश्यापेक्षयाऽधिकदण्डविधिरिति भावः । वैश्ये चायं पंचशतदण्डः शूद्राभ्रमादिना निर्गुणजातिमात्रोपजीविब्राह्मणीगमनविषयः । तद्भिन्नब्राह्मणीगमने तु वैश्यस्यापि सहस्रदण्ड एवेति बोध्यम् ।

अथ शूद्रे आह । **शूद्रस्येति । गुप्तां तु** उत्कृष्टवर्णाम् । **तस्य** शूद्रस्य । **तेनैव मनुनैव** । **शूद्र इति** । अत्र सर्वत्र सामान्ये नपुंसकं द्वैजातमित्यत्र 'तस्येदम्' (व्या. सू. ४ । ३ । १२०)

इत्यण्। गच्छेदिति यदि तदेति च शेषः। "अगुप्तं अंगसर्वस्वैर्गुप्तं सर्वेण हीयते" इत्युत्तरार्धपाठः। तथा च भर्त्रादिभी रक्षितामरक्षितां वा द्विजातिस्त्रियं यदि शूद्रो गछेत्तदा तयोर्मध्ये अरक्षितां **आवसन्** गच्छन्। अंगं च सर्वस्वं च ते दंड्ये यस्य तादृशो भवति। अत्र विशेषाश्रवणेऽपि अंगं लिंगमेव। "आर्य्यस्त्र्यभिगमने लिंङ्गोद्धारः सर्वहरणं च गोप्ता चेद्वधोऽधिकं" इति (अ. १२ सू. २१३) **गौतम**वचनात्। तथा च लिगच्छेदः सर्वस्वहरणं च कार्यम्। रक्षितां तु गच्छन् धनेन शरीरेण च हीनःकार्यः सर्वस्वं गृहीत्वा वध्य इत्यर्थः। अंगसर्वस्वैरिति पाठे व्यक्त्यभिप्रायबहुवचनम्। अत्र पाठान्तरम् धृत्वा प्राचां व्याख्यानम् असंबद्धम् स्पष्टमेवेत्युपेक्षितम्। अविशेदिति पाठान्तरम्। अभिगच्छेदिति तदर्थः। येनांगेनापराद्धं तेन हीन इति **कल्पतरूक्तम्** तन्न युक्तम्। उक्त**गौतम**विरोधात्।

'नार्या' इति तुर्यपादं व्याचष्टे। **नार्याः पुनरिति**। निगमनस्य स्थलद्वये तदनूक्त्यान्यूनतापत्तिस्तां निराचष्टे। **आनुलोम्ये** गमने गुणवद्गुणवान्। **सवर्णे वेति**। प्रातिलोम्यस्थले। प्रोक्तदंडविधानात्तदन्यत्र गमनेऽल्पदोषत्वेनांगच्छेदाभावस्य युक्तिसिद्धत्वेनानुलोम्यगमने गुणवद्गुणवदाद्यपेक्षयोचितधनदंडः सवर्णागमने त्वधिकारादिदंड इति देशाद्यनुसारेण दण्डः कल्प्य इत्यर्थः। **मनु**ना तु (अ. ८ श्लो. ३६१) "न संभाषां परस्त्रीभिः प्रतिषिद्धः समाचरेत्। निषिद्धो भाषमाणस्तु सुवर्णं दण्डमर्हतीति" सामान्येनोक्तम् षोडशमाषात्मकं सुवर्णम्।

विशेषमाह। **अयं चेति**। राज्ञः अभिषेकादिगुणयुक्तस्य दुष्टशासनकर्तव्यतयेति भावः। **न द्विजातीति**। न वर्णत्रयस्येत्यर्थः। **मात्रं** कात्स्न्र्ये। **गौतम**माह। **ब्राह्मण इति**। तत्रापि विशेषमाह। **यदा त्विति**। **स्वयमेव** द्विजातिरेव। कार्यातिपातशंकया हेतुत्वस्योक्तत्वाद्धेत्वन्तरम्। **मानव**माह (अ. ८) **शस्त्रमिति**। उपरुध्यते इत्यग्रे नेत्यतः पूर्वम्।

"द्विजातीनां च वर्णानां विप्लवे कालकारिते॥" (३४८)

"आत्मनश्च परित्राणे दक्षिणानां च संगरे। स्त्रीविप्राभ्युपपत्तौ च घ्नन् धर्मेण न दुष्यति॥ (३४९)

"गुरुं वा बालवृद्धौ वा ब्राह्मणं वा बहुश्रुतम्। आततायिनमायांतं हन्यादेवाविचारयन्॥"(३५०)

इति पाठः। एतत् सूचनार्थमेव मध्ये तथेत्युक्तम्। ब्राह्मणादिभिः खड्गाद्यायुधं ग्राह्यं यत्र काले वर्णानामाश्रमाणां च साहंकारादिभिर्धर्मः कर्तुं न दीयते। तथा तेषामराजकेषु राष्ट्रेषु परचक्रादिना कालजनितसंगरादौ आत्मरक्षार्थं च दक्षिणानां गोधनाद्यपहारनिमित्ते, संग्रामे च स्त्रीब्राह्मणापत्तिनिवारणार्थं च धर्मयुद्धे नान्यगतिकतया परान् हिंसन् न दोषभाक् भवति। परमारणेऽप्यत्र साहसदंडो न कार्यः। गुरुबालवृद्धबहुश्रुतब्राह्मणानां अन्यतमसमं वधोद्यतमागच्छंतं विद्यावित्तादिभिरुत्कृष्टं पलायनादिभिरपि सनिस्तरणाशक्तौ निर्विचारम्[1] हन्यात्। अत **एवोशनाः** "गृहीतशस्त्रमाततायिनं हत्वा न दोषः"। **कात्याय**नोऽपि।

"आततायिनि चोत्कृष्टे तपःस्वाध्यायजन्मभिः। वधस्तत्र तु नैव स्यात् पापे हीने वधो भवेदिति॥"

मेधातिथिगोविंदराजौ तु स्त्रीविप्रेति पूर्वस्यायमनुवादः। गुर्वादीनपि हन्यात् किमुतान्यानिति व्याचक्षाते। **नातेति**। जनसमक्षे रहसि वा॥२८६॥

१ ख-ङ-निर्विवाद।

याज्ञवल्कीये २८७ श्लोकः ।

विवेति । उत्तमं दंडं दद्यादित्यस्यार्थः **उत्तमेति** । अथेत्यस्यार्थः **तदनेति** । विवाहानभिमुखीमित्यर्थः । ‘ सवर्णामि’त्यनेन सवर्णादिति पाठः सूचितः । सवर्णास्विति पाठे भिन्नं वाक्यं तद्विषये पूर्वोक्तं बोध्यमित्यर्थः । तुर्यपादार्थमाह । **उत्कृष्टेति** । ब्राह्मणस्य तदसंभवादाह । **क्षत्रीति** । ‘ प्रातीति ’ तत्र तद्धर्तृपरमिति भावः । तात्पर्यार्थमाह । **दंडेति** । तस्य दुष्टत्वेनायोग्यत्वेनानधिकारिणा कृतमकृतमेवेति न्यायेन तस्याः कन्यात्वाक्षत्या विवाहो भवत्येवेति भावः ॥ २८७॥

याज्ञवल्कीये २८८ श्लोकः ।

दंडामिति । दंडाभावपूर्वकं दंडामित्यर्थः । तात्पर्यार्थमाह । **न दंड इति** । ‘ अन्यथा तु ’ इत्यस्यैव व्याख्या **अनिच्छंतीमिति** । ‘ अधर्म ’ इत्यस्यार्थः **प्रथमेति** ।

(उत्तरार्धः ।)

कन्येति । एवमपहारदंडमुक्त्वेत्यादिः । अत्र सर्वत्र कन्यापदमविवाहितापरं लक्षणया प्रातिलोम्यादौ वक्ष्यमाणत्वादाह । **अनुलोमास्विति** । आद्यपादं व्याचष्टे । **यदीति** । सकामादौ विशेषाणां वक्ष्यमाणत्वादाह । **अकामामित्यादिना** । नखक्षतादिनेत्यस्य फलमाह । **यदा पुनरिति** । तामेवाह **कल्पतरुः** । **दर्पेणेति** दर्पादिभिः । समानजातीयां कन्यां गमनवर्जमंगुलिप्रक्षेप्यमात्रेणैव **कुर्यात्** नाशयेत् । योनिं क्षतवतीं कुर्यादिति यावत् । तस्य शीघ्रमेवांगुलिद्वयं छेत्तव्यम् । स षट्शतदंडं चार्हतीत्यर्थः । अकामामित्यस्य फलमाह । **यदा पुनरिति** । अत एव न बलात्कार इति भावः । **पूर्ववत्** अंगुलिप्रक्षेपादिमात्रेण योनिक्षतकरणेन । तेनैव **मनु**नैव । एवमग्रेऽपि । ‘ यस्तुल्यो नांगुलीति ’ पाठः । **तुल्यः** समानजातिरिच्छंतीं कन्यामंगुलिप्रक्षेपमात्रेण नाप्ययमंगुलिच्छेदं **नार्हति** न प्राप्नोति किंतु अतिप्रसक्तिनिवारणाय द्विशतं दंडं दाप्य इत्यर्थः । यत्कन्यां नांगुलीति पाठान्तरम् । दूषयानस्तु नांगुलीति च ।

विशेषांतरमाह । **यदा त्विति** । **एवेन** पुरुषव्यवच्छेदः । एवं **मानवे**ऽपि अत एवाह । **विदग्धा वेति** । **तत्रापि** उभयत्रापि । ‘ विशेष ’ इत्यादि जातावेकवचनम् । **कन्यैवेति** । या कन्यैव परां कन्यां अंगुलिप्रक्षेपमात्रेण **कुर्यान्नाशयेत्** तस्या द्विशतो दंडः स्यादित्यर्थः । अस्योत्तरार्धं “ शुल्कं च द्विगुणं दद्याच्छिफाश्चैवाप्नुयाद्दशेति ” । सा तत्ककन्याशुल्कं यत्तु द्विगुणं तत् कन्यापित्रे दद्यात् । दशशिफा अत्र जटारज्वादिप्रहारास्तांश्चाप्नुयादिति तदर्थः । एवमाद्यायामुक्त्वा द्वितीयायामभ्याहितमाह । **या त्विति** । अत्र स्त्रीति सामान्यमप्यर्थाद्विदग्धापरम् । **या तु** विदग्धा **कन्यां प्रकुर्य्यात्** प्रगतं कुर्यान्नाशयेत् दूषयेत् अंगुलिप्रक्षेपमात्रेण सा **सद्यस्त**त्क्षणमेव शिरोमुंडनं अर्हति । **तथेति** च समुच्चये । विदग्धत्वादेवांगुलिद्वयव्यापार इत्याह । **अंगुल्योरिति** । तर्जन्यंगुष्ठयोरित्यर्थः । तयोश्छेदनं चार्हति गर्दभेन राजमार्गे वहनं चार्हतीत्यर्थः । अपि वेति पाठे अपि वा चार्थे, एवेति एवे चेति पाठेऽप्येवम् । आद्ये मानवे कुर्यादित्यस्य विकुर्यात् दूषयेदित्यर्थः । तत्फलितमाह । **कन्यामिति** ।

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१ ड–विशेषेय ।

'उत्तमायामिति' द्वितीयपादं व्याचष्टे। **यदा पुनरिति।** अस्याभिगमनपरत्वे संमतिमाह। **उत्तमामिति।** हीनजातित उत्कृष्टामिच्छंतीं गच्छन् जात्यपेक्षयाऽङ्गच्छेदनमारणात्मकं वधमर्हतीत्यर्थः। अनुक्तविशेषानाह। **यदेत्यादिना। गोमिथुनं** तद्रूपं शुल्कं इति। **इच्छति** पिता। **तदेव** गोमिथुनमेव। सर्वत्र मानमाह। **यथाहेति। शुल्कमिति।** इदं तदुत्तरार्थम्। **समां** समानजातीयां तु इच्छंतीं गच्छन् यदि पिता इच्छेत् तदा पितुः शुल्कं दद्यादात्मरूपं तथा च न दंड्यः सा च कन्या तेनैवोढव्येत्यर्थः। तृतीये मानमाह। **योऽकामामिति।** तत् पूर्वं एकं यदव्यवहितः अयं श्लोकः यस्तुल्यजातिरनिच्छंतीं कन्यामभिगच्छति स तत्क्षणे एव विप्रेतरो लिंगच्छेदनादिकं वधमर्हति इत्यर्थः। इच्छेदिति सूचितम्। द्वितीये मानमाह। **सकामामिति।** इच्छंतीं तु गच्छन्न वधार्हो मनुष्यो भवति, किं तु तत्रोक्तरीतिरेवेत्यर्थः॥ २८८॥

याज्ञवल्कीये २८९ श्लोकः।

किंचेति। कन्यास्थले प्रसंगादन्यदप्याहेत्यर्थः। पूर्वैकवाक्यत्वायाह। **स्त्रीति। अपस्मारेति।** गौमिर्गीति प्रसिद्धः। **राजयक्ष्मा** क्षयः। **आदिना** कुष्ठी इत्यादिरूपाः। **दीर्घाः** अचिकित्स्याः **कुत्सिता** रोगाः **संसृष्टं** प्राप्तं **मैथुनं** संभोगो यया तस्या भावस्तत्त्वं ते चैतदादयश्च, ते च ते दोषाश्च तानित्यर्थः। 'मिथ्ये'त्यस्यैव व्याख्यानं **विद्येति।** न च "अदुष्टां च त्यजन् दंड्यो दूषयंस्तु मृषा शतमिति" प्राक् स्वोक्तेर्विरुद्धमिदम्। तत्र मिथ्याशंसने शतस्योक्तत्वादिति वाच्यम्। तस्य प्रकृतत्वाद्वरविषयत्वादेतस्य तदन्यवरविषयत्वादिति भावः। मम तु प्रतिभाति कन्यैव कन्यामिति **मनूक्त**विषयकमाद्यपादोक्तम्, मिथ्येत्यत्र भावप्रत्ययांतादर्श आद्यजंताद्दाप् स्त्रीविशेष्यभूता, तथा च तादृशस्त्रीविषयको द्वितीयपाद इति न विरोधशंकाऽपि। आद्ये **मूलोक्तमनूक्त**योर्विकल्प इति। गोः पृथक् वक्ष्यमाणत्वादाह। **गोव्यतीति। गोतमो**ऽपि—'पशून् शतं दाप्य' इत्यादि। **मात्स्ये**ऽपि—

"तिर्यग्योनौ तु गोवर्जं मैथुनं यो निषेवते। स शतं प्राप्नुयाद्दण्डं तस्याश्च यवसोदकमिति"॥

'हीनामि'त्यस्य व्याख्या **अन्त्येति।** अन्त्यगामिनीं न त्वन्त्यामित्यर्थः। तत्र विशेषस्य वक्ष्यमाणत्वात्। अत एव **नारदः।**

"पशुयोनावतिक्रामन्निनेयः सततं शतम्। मध्यमं साहसं गोषु भवेदन्त्यावसायिष्विति॥"

"अकन्येति तु यः कन्यां ब्रूयाद्दोषेण मानवः। सततं प्राप्नुयाद्दंडं तस्या दोषमदर्शयन्॥" इति।

(अ. ८ श्लो. २२५)

मनुरपि 'दूषयंस्तु मृषा शतमिति' **मूलोक्त**समानविषयः। तत्र 'तस्या' इत्यादि हेतुगर्भविशेषणं यत् उक्तदोषं क्षतयोनित्वादिकमविभावयन्नतो युक्तोऽस्यायं पणशतात्मको दंड इत्यर्थः। "यस्तु दोषवतीं कन्यां अनाख्याय प्रयच्छति। तस्य कुर्यान्नृपो दंडं स्वयं षण्णवतिं पणानिति" (अ.८श्लो.२२४) अत्रैवानुशयप्रसंगे प्राग्वन्**मनूक्तम्** तु 'अनाख्याय ददद्दोषं दंड उत्तमसाहसमिति' **मूलोक्त**विषये पक्षान्तरं बोध्यम्। नोन्मत्ताया इति सामान्येनोक्तत्वात्तत्र दंडविशेषोक्त्यर्थं तत्। अत एव दोष उन्मादादिः। स्वयमित्यादरार्थम्। यत्तु "पाणिग्रहणिका मंत्राः कन्यास्वेव प्रतिष्ठिताः। नाकन्यासु क्वचिन्नॄणां लुप्तधर्मक्रिया हि ताः।" (अ. ८ श्लो. २२६) इति तत्रैव **मनु**स्तस्यायं भावः। अर्थ-

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१ ड-आत्मानुरूपम्। २ आचारे श्लो. ६६

मणन्नु देवं कन्या अग्निमैरयते'त्यादयो वैदिका मनुष्याणां विवाहसंबंधिनो मंत्राः । कन्याशब्द-श्रवणात् कन्यास्वेव व्यवस्थिताः । अकन्याविषये क्वचिद्धर्मशास्त्रविवाहसिद्धये न व्यवस्थिताः अस-मवेतार्थतापत्तेः । अतस्तत्र हि यतः ताः क्षताः वैवाहिकमन्त्रैः संस्क्रियमाणा अपि [1]गतधर्मविवाहादि-शालिन्यौ भवंति, नासौ विवाहो धर्म इत्यर्थः । न तु क्षतयोनेर्विवाहादि मंत्रहोमादिनिषेधकमिदं या गर्भिणी संस्क्रियते (**मनु.** अ. ९ श्लो. १७३) । तथा " वोढुः कन्यासमुद्भवमिति " क्षतयोनेरपि **मनु**नैव विवाहसंस्कारस्योक्तत्वात् । **देवलेन** तु—

" गांधर्वेषु विवाहेषु पुनर्वैवाहिको विधिः । कर्तव्यश्च त्रिभिर्वर्णैः समयेनाग्निसाक्षिकः " इति ।

गांधर्वेषु विवाहेषु होममंत्रादिविधिरुक्तः । गांधर्वश्चोपगमनपूर्वकोऽपि भवति तस्य क्षत्रिय-विषये सुधर्मत्वमपि **मनुनो**क्तम् । अतः सामान्यविशेषन्यायेनान्यविषयोऽयं क्षतयोनिविवाहस्याधर्मत्वोप-देश इति ॥ २८९ ॥

याज्ञवल्कीये २९० श्लोकः ।

साधेति । तत्त्वं च सर्वपुरुषगामित्वम् । अन्वयायाह । **गच्छन्निति** । **उक्तेति** । अभ्युपेत्य शुश्रूषाख्यप्रकरणे ' गृहजातस्तथा क्रीत ' इत्यादिना साम्यादुक्तप्रायलक्षणा इत्यर्थः । निमित्तांतरत्व-निरासायाह । **ता एवेति** । अत एव नारीष्विति **कल्पतर्वा**दिपाठे नैकवाक्यता । **पुरुषां-तेति** । स्वभोग्यत्वं तु नैवेति भावः । **पुरुषेति** । स्वामिभिन्नेत्यर्थः ।

एवं पदार्थानुक्त्वा वाक्यार्थमाह । **यदेति** । एवो दाप्य इत्यत्रान्वेतीत्याह । **तथा चेति** । समुच्चयार्थकात्' समुदितादित्यर्थः । "स्वैरिणी या पतिं हित्वा सवर्णं कामतः श्रयेदि"त्युक्त-लक्षणा स्वैरिणी । आसां साधारणत्वं प्राग्वदेव सान्निध्यात् संभवाच्चाह । **भुजीति** । तदेवाह । **सर्वेति** । गम्यास्वपीत्यनेन सूचितामिदम् । अनुवृत्तिलब्धमाह । **गच्छन्निति** । **अपि**र्विरोधे ।

ननु साधारणत्वे कथं दंड अत आह । **परेति** । एतदर्थमेव विशेषणद्वयमिति भावः । **अब्राह्मणीति** स्वैरिण्या विशेषणम् । तादृशी सा च ब्राह्मणीत्युपलक्षणमतः क्षत्रियादिस्त्रियोऽपि स्वैरिण्यो गृह्यंते । दासी चासौ निष्काशिनी चेति व्याख्यानमपास्तम् । **मूलाशुद्धेः कल्पतर्वाद्य-**संमतत्वात् पूर्वनिपाते वैपरीत्यापत्तेः पृथक्पदत्वस्य व्याख्यातृसंमततया स्पष्टत्वाच्चेति दिक् । दोषमुप-पादयति । **गम्यास्वपीति** । आस्वित्यर्थः । गम्या अपीति पाठान्तरम् । हिर्निश्चये । **यत्** यस्मात्**ताः** । **भुजिष्याः** स्वैरिण्यादयः । परेषां परिग्रहो यासामित्यर्थः । यास्ता इति पाठे हिर्हेतौ । ' निष्केति ' पृथक्पदं दासीविशेषणमिति आह । **निष्केति** ।

तदर्थं कथयन्नाद्ये आह । **स्वैरिणीति** । द्वितीये आह । **वर्णानामिति** । अध्यायभेदेन भिन्नमिदम् । नन्वस्तु आसां वर्णस्त्रीत्वं तथापि सर्वपुरुषगामित्वेन साधारणत्वमित्यविरोधेन तत् कथं न युक्तमेवेति तदभावः कथमत आह । **न च वर्णस्त्रीणामिति** । पुरुषपरत्वविधानात् पुरुषांतरपरत्व-निषेधाच्चेति भावः । तत्राद्यं तु 'स्वदारनिरतः सदे'त्यग्रे स्फुटीभविष्यति । द्वितीयमाह । **दुःशील**

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1 फ-ङ-अगतधर्मविवाहादि । २ मि. पृ. ११९ पं. ९ ।

इति । दुष्टस्वभावः । **कामेति** । यथेच्छाचारी । इदं जीवविषयम् । अथ मृते आह । **कामान्त्विति** मानवमिदं वचनद्वयम् ।

तथाविधेति । रक्षिताया इत्यर्थः । अदृष्टाया इति यावत् । **न च दासीति** । दासीत्वादित्यर्थः । यथा सूतकादित्यर्थः । यथा सूतकादिवशात् स्वधर्मभूतसंध्याद्यधिकाराभावस्तथा दासीत्वात् स्वधर्मभूतस्वपुरुषपरत्वाद्यभावेन सर्वपुरुषगामित्वेन साधारणत्वमिति भावः । **हि** यतः । सूतकादौ वचनात्तदभावो न स्वरूपेण, अत्र तु न वचनं नापि स्वरूपतः । पत्यौ दास्यं पारतन्त्र्यमेव शिष्यस्त्वादिवदतो न स्वधर्मपरित्यागो येन साधारणं स्यादिति भावः ।

ननु मा भूद्दासीस्वैरिण्योः साधारणत्वाभावाद्गम्यत्वं वेश्यायास्तु तत्वेन तत्वं भवत्वित्यत आह । **नापीति** । किमियं वेश्या वर्णानुलोमजभिन्नगम्यजात्यंतरांतःपातिनी उत्तमवर्णानुलोमजांतःपातिनी, उत प्रतिलोमजान्तःपातिनी, तत्राद्यं दूषयति । **वर्णानुलोमेति** । तादृशजात्यंतराभावादेव तदंतःपातित्वेन गम्यत्वाभाव इत्यर्थः । न द्वितीय इत्याह । **तदंतरिति** । तत्वे च सति स्वैरिण्यादिवदेव तासां पतिपरायणत्वविधानादगम्यत्वमित्यर्थः । नापि तृतीय इत्याह । **प्रतीति** । **नेतरामिति** । अतिशयितगम्यत्वाभाव इत्यर्थः । नितरामिति पाठेन तासामिति पाठः । प्रतिलोमजानां दुष्टत्वेन तद्गमनस्य निषिद्धत्वादित्यर्थः । गम्यात्वमिति पाठः । गम्यत्वमिति पाठे सामान्ये नपुंसकम् । एवमन्यत्रापि ।

स्वैरिण्यादयो न परपुरुषगम्या इत्याक्षेपमुपसंहराति । **अत इति** । उक्तहेतुजातादित्यर्थः । **तासां** वर्णानुलोमप्रतिलोमजानां सर्वासां स्वैरिण्यादीनां निंदिते परपुरुषोपभोगस्य निषिद्धत्वात् गमनस्य च । तस्यापि समाधत्ते । **सत्यमित्यादिना** । सत्यमित्यर्धांगीकारे तथापि योजयति । **किंत्विति** । **अत्र नारदीया**द्यौ पित्रादिति पित्रादिरक्षकश्च राजदंडश्च तयोर्भयादिरूपदृष्टदोषाभावाद्गम्यत्वरूपवाचो युक्तिर्वचनमात्रमित्यर्थः । अयं तासामेव दण्डोऽस्त्वत आह । **स्वैरिण्याद्यानामिति** । हेत्वंतरं **मानव**माह । **कन्यामिति** । संभोगार्थ**मुत्कृष्टं** उत्कृष्टजातिपुरुषं **भजंतीं** सेवमानां **कन्यां किंचिदपि** स्वल्पमपि दंडं न दापयेदित्यर्थः । अयं निषेधः कन्याया एव, न स्वैरिण्याद्याया अत आह । **लिंगेति** । लिंगदर्शनं निमित्तमात्रं नाव्यभिचारितो हेतुरतः कन्याऽपि स्त्री स्वैरिण्यादयोऽपि स्त्रिय इत्युभयत्र स्त्रीत्वाविशेषात् कन्याया इव स्वैरिण्यादीनामपि दंडाभाव इति भावः ।

ननु यदि दंडाद्यभावस्तर्हि प्रायश्चित्तमपि न स्यादत आह । **प्रायश्चित्तमिति** । **स्वधर्मेति** । बहुव्रीहिणा पूर्वविशेषणम् । **गम्यानां** स्त्रीणां उक्तानां **गंतॄणां** पुरुषाणां ।

वेश्यास्थले विशेषं प्रतिपादयितुं वेश्यावर्णाद्यंतःपातित्वं कश्चिदनुमानप्रमाणकमभिमतं तन्मतमाह । **यत्पुनरिति** । **वेश्येति** पक्षः **वर्णेति** साध्यम् । **आदिना** प्रातिलोम्यपरिग्रहः । मनुष्यत्वजात्येति हेतुः । यत्र यत्र तथा तत्र तत्र तत्त्वं । यथा ब्राह्मणादिषु इति दृष्टान्तः । आदिना मूर्धावसिक्तादिपरिग्रहः । हेतोर्व्यभिचरितत्वेन दूषयति । **तन्नेति** । **कुंडेति** । तैर्हेतोर्व्यभिचरितत्वादित्यर्थः । कुण्डादीनामाचाराध्याये वर्णाद्यन्तःपातित्वाभावस्योक्तत्वेन तत्र हेतुसत्त्वेऽपि साध्यस्याभावादिति भावः । स्वमतमाह । **अत इति** । उक्तहेतोरित्यर्थः । तामेव जातिमाह । **वेश्यात्वमिति** । अनिषिद्धपुरुषोत्पन्नत्वे सति तत्र पुरुषसंभोगवृत्तित्वं वेश्यात्वमित्यर्थः ।

एतत् घटकैर्वेश्याया अपीदमेव लक्षणमिति ध्वनयन् दृष्टांतमाह । **ब्राह्मेति** । अनादित्वाच्च संसारस्य न दोषः । एतत् सूचनार्थमेवानादिरित्युक्तम् । **हि** यतः । **पञ्चमीति** ब्राह्मणत्वादिचतुष्टयापेक्षया पञ्चमीत्यर्थः । प्रकृतं तमेव सविशेषमाह । **अत इति** । इदमनवरुद्धायाम् । तत्रापि विशेषमाह । **तासु चेति** । वेश्यास्वपीत्यर्थः । पशुवेश्येति पञ्चभिगमने वैश्याभिगमने चेत्यर्थः ॥ २९० ॥

उत्तरसंगत्यर्थं फलितमाह । **अवरुद्धास्विति** । विदधत इत्यस्यैव विशेषणं दंडविधानादिति पाठांन्तरम् । नास्वतंजीति पाठः। **तस्य** अभुजिष्यागमने दंडाभावस्य ।

याज्ञवल्कीये २९१ श्लोकः ।

तत्र हेतुं सूचयन्नाह । **पुरुषेति** । दासीग्रहणमुपलक्षणमित्याह । **स्वैरीति** । प्रसह्येत्यस्य व्याख्या **बलादिति** । तस्यैव विवरणं **शुल्केति**। अत एवाभुजिष्यास्वपि अस्य दंडः। एतावतैवास्य वचनस्य सार्थकमन्यथाऽसंबद्धत्वं वैय्यर्थ्यं च स्पष्टमेव। उत्तरार्धतात्पर्यार्थमाह । **यदि बहव इति** । मूलेऽसौ दास्यादिरत एव व्याख्यानं सामान्येन । **परीति** तत्परिच्छिन्नम् । समुदितं वस्त्वित्यर्थः । विशेषमाह । **यदा पुनरिति** । **भाटिं** सर्वमूल्यम् । **तेषां** बहूनां शुल्कस्य दत्तत्वात् । तत्रापि विशेषमाह । **यदीति** । तथा च तत्र तथाकरणे पुनरपि तेषां दोष एवेति भावः । आदिसंग्राह्यं वचने एव व्यक्तम् । **वडवा** गृहदासी ॥ २९१ ॥

याज्ञवल्कीये २९२ श्लोकः ।

ननु यदा पुनरित्यादिना तेषां दोष एवेति भावः आदिप्रतिपादनेन तस्या एव तत्र दोषलाभेन स वक्तव्योऽत आह। **गृहीतेति** । **मौल**मिदम् । किंचेत्यपपाठः। अत्रापि वेश्याग्रहणमुपलक्षणमत एव सामान्येन व्याचष्टे । **यदा त्विति** । **नारदो**क्तेरेवाह । 'स्वस्थाऽप्यर्थपतिमिति' तृतीयपदस्यायमर्थः । शुक्ले निश्चितेऽप्यगृहीते सति नेच्छंति सा समं यावन्निश्चितं तावदेव दाप्येति स्पष्टत्वाद्व्याख्यात्रा नोक्तम् । तुर्यपदार्थमाह । **तथेति** । **स्वयं** स्वयमेव । **शुल्केति** । यद्दत्तं तस्य हानिरेवेत्यर्थः । स्पष्टत्वाय **नारदी**यमाह । **शुल्कमिति** । **यत इत्यादि** । **तथा** तद्वत् । **तेनैव नारदेनैव** । **अप्रेति** । शुल्कमप्रयच्छन् । पुमान् तथा बलात्कारणे व्याध्याद्यभिभूतां स्त्रियं भुक्त्वा शुल्कमष्टगुणं यावन्निर्णीतं तदष्टगुणं दाप्यः । **घात**स्ताडनम् । पादेति पठांतरं । तथा च ताडनदंतक्षतनखक्षतादिभिः करणैर्य आक्रमो वशीकरणं तेन संगच्छंश्च । तथा **अयोनौ** योनिभिन्नेत्यर्थः । मुखादौ योऽभिगच्छेत् स च तथा शुल्कमदत्वा एकमेव वा शुल्कं दत्वा यो **बहुभिर्वासयेत्** संगमयति तां सोऽपि तथेत्यर्थः। **विनयं** दंडो। ननु कथं दोषनिर्णयस्तत्रात आह। **वेश्या इति** । **तत्र** तदीयगृहे । **याः** कामुक्यः साभिलाषास्तद्गृहवासिन्यः **प्रधानाः** वृद्धाः वेश्याः संति ताः मिथः समुत्पन्नविवादरूपकार्यविषयकसंशये सति तत्परिहाराय निर्णयं जानंतीत्यर्थः । वेश्याः प्रधाना ये तत्र कामुका इति पाठान्तरम् । तदा तत्र वैश्यैव प्रधानमुपजीव्यमेषामेतादृशास्तद्गृहनिवासिनो ये कामुका विटाः संतीत्याद्यर्थः ॥ २९२ ॥

याज्ञवल्कीये २९३ श्लोकः ।

किंचेति । एतत् प्रसंगादन्यदप्युच्यत इत्यर्थः । एवमग्रेऽपि । अन्यत्र दंडाल्पत्वस्य गमनादौ सत्वादाह । **स्वेति** । अयोनावित्यस्यार्थो **मुखादाविति** । **आदिना** पायुपरिग्रहः । पुरुषमेवेति

तदभिमुखः **सन्मेहेति** मूत्रादिकं करोति सोऽपि । **वा** चार्थे । प्रव्रजिता प्रागुक्ता । नन्विदं 'राज्ञी प्रव्रजिता धात्रीति' प्रागुक्त**नारद**विरुद्धं अत्र हि पणानां चतुर्विंशतिर्दंड उक्तस्तत्र शिश्नस्योत्कर्तनं दंड उक्त इति चेन्न अत्यन्तगुणवत् प्रव्रजितागमनविषयकं तत्रैवाभ्यासविषयकं वा **नारदीय**मिदं तु तदन्यविषयकमिति भेदात् ॥ २९३ ॥

याज्ञवल्कीये २९४ श्लोकः ।

स्वङ्कचेति ल्यबंतः पाठः । त्वङ्कचेति पाठे आर्षो ल्यब् व्याख्यानानुसारात् यदा त्वङ्कच इति प्रथमांतपाठः तेनाङ्क्यः सन् प्रवासयेदित्यर्थः । तदा व्याख्यानफलितार्थकथनपरतया नेयं शूद्रस्याग्रे विशिष्योक्तेराह । **त्रैवर्णीति** । न्यूनं मध्ये समूलं पूरयति । **सहस्रमिति** । बध्यत इति बन्धः कुत्सितश्चासौ बन्धश्च कुबन्धस्तदर्थमाह । **भगेति** । प्रागुक्त**मनो**रिति भावः । तद्विशेषणफलमाह । **प्रायश्चित्तेति** । **दंडनमेवेति** । नांकनमित्यर्थः । तथेत्यस्यार्थः चाण्डाल्य**भीति** । सर्वसंग्रहायाह । **उत्कृष्टेति** ॥ २९४ ॥

॥ इति स्त्रीसंग्रहणप्रकरणम् ॥

अथ स्त्रीपुंसयोगाख्यप्रकरणम् ।

स्त्रीपुंसयोगाख्यम् अपरमपीत्यर्थः । **विवाहादीति** । यत्र विवादपदे स्त्रीणां पुंसां च विवाहादिविधिः कीर्त्यते अनुमतितदभावाभ्यां प्रसिद्धो भवति तद्विवादपदं स्त्रीपुंसयोगसंज्ञमुच्यते इत्यर्थः। यत्र विवाहे स्त्रीपुंसयोर्व्यतिक्रमो भवति तद्यथा कन्यका यं वरमेकं क्वचित् वृणीते स व्रियमाणः पुमान् न तां दोषशंकादिना एवमेव पुरुषोऽपि यां काञ्चित् कन्यकां परिणेतुमिच्छति कन्या तु न तं दोषशंकादिना । एवं च एतादृशस्थले तत्र व्यवहारप्रवृत्तिरेव **विवाहादीत्यादिना** । परपुरुषतः स्त्री रक्षणीया । सर्वात्मना स्त्रियाऽपि भर्तृपरया भाव्यमित्यादि नियमपरिग्रहः । एतत् सर्वं स्त्रीपुंसयोगाख्यं विवादपदमिति भावः । आदिग्राह्यमेवाह । **मनुरपीति** । अत एवादौ **नारद**मुक्त्वाऽग्रे **मनू**क्तीरिति बोध्यम् । स्वैःस्वीयैर्भर्त्रादिभि**र्दिवानिशं** सदा **विषयेष्व**निषिद्धेष्वपि रूपरसादिविषयेषु **सज्जंत्यश्च** प्रसक्ता अपि **आत्मनो** नो **वशे** आयत्ततायां **संस्थाप्याः** आत्मवशाः कार्या इत्यर्थः। "पुरुषस्य स्त्रियाश्चैव धर्म्ये वर्त्मनि तिष्ठतोः । संयोगे विप्रयोगे च धर्मान् वक्ष्यामि शाश्वतम्" इत्यस्यादिः (**मनु**. अ. ९ श्लो. १) इत्यादीत्यादिना "पिता रक्षति कौमारे भर्ता रक्षति यौवने । रक्षन्ति स्थविरे पुत्रा न स्त्री स्वातंत्र्यमर्हति" इति (**मनु**. अ. ९ श्लो. ३) इत्यादि परिग्रहः । इदं च यथासंभवं द्रष्टव्यम् । **निषिद्ध इति** पूर्वमिति भावः । **प्रत्यक्षेण** साक्षात् । **अभिचारे** व्यतिक्रमे **जातस्य** तत् समूहस्य । न्यूनतामत्र परिहरति । **एतच्चेति** । स्त्रीपुंसधर्मजातमित्यर्थः । **पुनः** पश्चात् ॥

इति स्त्रीपुंसयोगप्रकरणम् ॥

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१ क-अत एव वाऽऽदौ । २ ख-भ्रात्रादिभिः ।

अथ प्रकीर्णप्रकरणम् ॥ २५ ॥

चस्त्वर्थे । एवं पुनरपि यथेति पाठे । आदौ स योज्यः । तानेव दर्शयतीत्यर्थः । तथेति पाठे समुच्चयार्थः सः । **तत्कर्मेति** । राजकार्याज्ञा विषयकर्मेत्यर्थः । **पुनः प्रदानमिति** । कर्त्रा अकृतस्य कर्मणः प्रत्यर्पणम् । राज्ञे इत्यर्थः । पुरः प्रदानमिति पाठे दुर्गकुल्यास्थानादिरूपपुराणां पालनाय दानमित्यर्थः । पुत्रप्रधानसंभेद इति **कल्पतरु**पाठः । **प्रकृतीनां संभेदो** मेलनं अंतर्जातिः परस्परविरोधो वा **पाषंड्यादि**चतुर्णां लक्षणान्युक्तानि । तेषां धर्मव्यत्यया इत्यर्थः । **प्रतिग्रहस्य विलोपो** नाशः । यथा ब्राह्मणाय प्रतिग्रहयोग्याय पात्रभूतायादानं यद्वा प्रतिग्रहस्य शूद्रादौ प्रतिग्रहप्रवृत्तेर्विलोपः । सप्रतिग्रहविवादश्चेति पाठान्तरम् । **आश्रमिणां** ब्रह्मचार्यादीनां **कोप** उद्रेकः स्वधर्मभ्रंश[1] इति यावत् । मिथो विरोधो वा तेषां कोपः लोपश्चाश्रमिणामपीति **कल्पतरौ** पाठः । **वर्णसंकरयोर्दोषश्च** तेषां वर्णानां संकराणां च वृत्तेर्नियमः । व्यस्तपाठो न युक्तः । पूर्वोक्तेषु ऋणादानादिपदेषु यद्व्यवहारपदं न दृष्टं तच्च सर्वं प्रकीर्णके स्यादित्यर्थः ।

'प्रकीर्णकं पुनर्ज्ञेयो व्यवहारो नृपाश्रय' इति **कल्पतरूक्त**पाठभ्रमाय तावन्मात्रं प्रतिज्ञासिद्ध्यर्थं व्याचष्टे । **प्रकीर्णक इति** । तदाख्ये इत्यर्थः । नृपाश्रया इति व्याचष्टे । **नृपसमेति** । तात्पर्यार्थमाह । **नृप एवेति** । एवेन प्राड्विवाकादिव्यवच्छेदः । **तत्र** तद्विषयविवादेषु । **आस्थाय** निश्चित्य । नन्वेतावताऽपि तल्लक्षणं नोक्तमिति प्रतिज्ञाहानिरेवात आह । **एवं वदतेति** । इत्येवं परिगणितानां विवादानां निर्णयोऽत्र प्रकीर्णके इति वदता **नारदे**नेत्यर्थः । एवं च वदतेति पाठान्तरम् । **यो नृपेति** । केवलनृपाश्रयः तन्मात्रनिर्णेयो व्यवहारः स इत्यर्थः ।

याज्ञवल्कीये २९५ श्लोकः ।

अथ मूलमवतारयति । **तत्रेति** । प्रकीर्णके इत्यर्थः । **पारेति** । समाहारद्वन्द्वः । समुद्राभ्रादितिवत् प्रयोगः । तदाह । **पारेति** ॥ २९५ ॥

याज्ञवल्कीये २९६ श्लोकः ।

असंबद्धत्वादाह । **प्रसंगादिति** । **अपि**ना तस्यापि समुच्चयः । भक्ष्ये अर्हार्थे कृत्य इत्याह । **भक्ष्यानर्हेति** । क्षत्रियादेरग्रे उपादानाद्द्विजपदं ब्राह्मणपरमित्याह । **ब्राह्मणमिति** । तत्रापि संभवात् प्रकारद्वयमाह । **अन्नेनेति** । 'दूष्ये'त्यत्रार्षो ल्यबित्याह । **दूषयतीति** । तत्तात्पर्यार्थमाह । **खादेति** । **दंड्यः** । तथाकारकः । एवं उक्तप्रकारेण अस्याग्रेऽप्यनुषंगः । प्रत्यासत्तेराह । **प्रथमेति** । 'अर्द्धिकेन' "अत इनीति" (व्या. सू. ५।२।११५) ठन् । न्यूनतां निराचष्टे । **लशुनाद्येति** । भक्षार्हत्वेऽपि निषेधात्तत्वं **ऊहनीयमिति दोषतारतम्यं च** प्रायश्चित्तविधिपर्यालोचनया ब्राह्मणत्वादिवर्णसगुणनिर्गुणत्वादिपर्यालोचनया च ज्ञेयमिति भावः ॥ २९६ ॥

याज्ञवल्कीये २९७ श्लोकः ।

किंचेति । प्रकृते अपराधविशेषेण दण्डविशेषांतरमाहेत्यर्थः । एवमग्रेऽपि । कूटैरित्यस्य व्याख्या **रसेत्यादिः** । **रसवेध** रसांतरप्रवेशः । आदिना तेन घर्षणं णिन्यर्थमाह । **शील इति** ।

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१ ख–स्वधर्मश इति ।

एवमग्रेऽपि । विर्विरोधे इत्याह । **कुत्सितेति** । तत्स्वरूपमाह । **श्वादिसंबंधस्येति** । सौनिकः । सूना वधस्थानं तत्र भवः सौनिकः । आद्यचार्थमाह । **चशब्दादिति** । **अंगेति** । सामान्योक्तावपि स्मृत्यन्तरानुरोधेनाह । **करनासाकर्णकरैस्त्रिभिरिति** । नासाकर्णकरैस्त्रिभिरित्येव पाठः । दोषद्वयसत्वान्मूले यथाश्रुते दंडयद्वयम् । दंडद्वयं चोक्तमिति यथासंख्यं प्रत्येकं दंड इति भ्रमनिरासाय द्वितीयचार्थमाह । **चशब्दादिति** । अंगच्छेदेन समुच्चितमिति पाठः । पूर्वेचेन तृतीयस्य समुच्चयाद्दंडत्रयदंडद्वयमिति वैषम्याद्यथासंख्याप्रवृत्तेरिति भावः । **मनु**विरोधं परिहरति । **यत्पुनरिति** । **कण्डका** दुष्टास्तेषु **पापिष्ठं** लवशः अल्पशः ॥ २९७ ॥

याज्ञवल्कीये २९८ श्लोकः ।

चतुष्पादेत्यत्र समासांतविधेरनित्यत्वाल्लोपो नेत्याह । **चतुष्पादैरिति** । किं सर्वस्य नेत्याह । **अपेति** । अपैहीत्यस्यायमर्थः । **प्रा**र्थमाह । **प्रकेति** । तस्याप्यर्थमाह । **उच्चैरिति** । काष्ठलोष्ठपत्रेषु पाषाणयोर्द्वन्द्वं कृत्वा काष्ठलोष्ठाभ्यां द्वंद्वे मत्वर्थीयश्च कृत्वा बाहुशब्देन कर्मधारयं कृत्वा युग्यशब्देन शाकपार्थिवादिद्वंद्वो वा । पूर्वनिपातप्रकरणमनित्यमिति बोध्यम् । तदाह । **तथेति** । काष्ठपदार्थो **लगुडेति** । लोष्टं मृत्पिण्ड इत्यर्थः । **सायकेति** । पाषाणानामुत्क्षेपणं येनेति बहुव्रीहिणा बाहुविशेषणम् । पाषाणोत्क्षेपकेणापि पाठान्तरम् । एतेन बाहुना कृत्वा पाषाणोत्क्षेपणं तत्करणेन यो दोषः कृतः स इत्यर्थः इति व्याख्यानमपास्तम् । **पूर्वोक्तः** मनुष्यः प्राणादिरूपः । **प्रास्यतः** प्रक्षिपतः । अपैहीत्यादेर्मध्यमणिन्यायेनान्वय इत्याह । **अपेति** । बाहुः स्वतंत्रं निमित्तं व्याख्यात्रभिमतमित्यन्ये । दृष्टदोषाभावेऽप्यदृष्टदोषोऽस्त्येवेति । प्राग्वदाह । **काष्ठादीति** । अल्पत्वायाह । **अबुद्धीति** बहुव्रीहिः । न्यूनतां परिहरति । **काष्ठादीति** । **चो**ऽप्यर्थे व्युत्क्रमे च ॥ २९८ ॥

याज्ञवल्कीये २९९ श्लोकः ।

तोमरादिकस्यापि अन्यत्रापि दोषाभावमाह । **किंचेति** । फलितार्थमाह । **नसीति** । निमित्तान्तरमाह । **पश्चात् पृष्ठत इति** । भूमिवैषम्यादिनेति भावः । यानेत्यस्यानुषंगः । अत एवाह । **चशब्दादीति** । **हिंसने** तत्रैव । **एवस्या**त्रान्वयात्तेनान्यत्र दोषसत्ता सूचिता । स्वामिग्रहणमुपलक्षणमिति आह । **प्रेति** । यन्तेत्यर्थः । नायं पर्युदासः किंतु प्रसज्यप्रतिषेध इत्याह । **दोषभागेनेति** । तत्रानुक्तं बीजमाह । **अतदिति** । तस्य तत्वाभावादित्यर्थः । वादिसंग्राह्यांशे मानं कथन्नाह । **तथा चेति** । "यानस्य चैव यातुश्च यानस्वामिन एव च । दशातिवर्तनान्याहुः शेषे दण्डो विधीयते"॥ (**मनु**, अ. ८ श्लो. २९०) इत्यस्यादिः । यानस्य रथादेर्यंतुः सारथ्यादेर्यानस्वामिनश्च यस्य तद्यानं तेषां च्छिन्नमस्मादिति दशनिमित्तानि दंडमतिक्रम्य वर्तंते । एषु निमित्तेषु सत्सु प्राणिमारणे द्रव्यनाशे च तेषां दण्डो न भवति इति मन्वादय आहुः । एतदन्यानिमित्ते तु दंडोऽनुष्ठीयत इति तदर्थः । **छिन्नेति** । इदं पूर्वार्द्धोक्तं सर्वं पूर्वोक्तरीत्या यानविशेषणम् । **नस्ये**त्यत्र 'शरीरावयवादिति' (व्या. सू. ५।१।६) यत् सा च तादृशबलीवर्दादिसंबंधिनी न तु या काचिदिति । प्रागुक्तमेव यानं च यथासंभवं बलीवर्दादिवद्बोध्यम् । **युगं** काष्ठविशेषः । तादृशे

रथादौ **तिर्यक्** तिरश्चीनं **प्रतिमुखं** संमुखं वा गते रथादौ भूमिवैषम्यादिना यानस्य चक्रान्तः-प्रविष्टाक्षाख्यकाष्ठभंगे तथैव **चक्रभंगे** च यंत्राणां चर्मबन्धनानां छेदने च तथैव योक्त्ररश्म्यो-च्छेदने च योक्त्रं युग्यबलीवर्दादिग्रीवासंबंधिरज्जुः काष्ठं वा रश्मिः सामान्यरज्जुः । प्रहरणं वा दशमं निमित्तमाह । **आक्रन्दे चापीति** । अपसरेत्युच्चैः शब्दे सारथ्यादिना कृते च यानेन प्राणिहिंसाद्रव्यनाशयोः कृतयोः सारथ्यादेर्दण्डो नास्तीति मनुराहेत्यर्थः । चैवेत्येव प्राग्वत् ॥ २९९॥

याज्ञवल्कीये ३०० श्लोकः ।

"यत्रापवर्तते युग्यं वैगुण्यात्प्राजकस्य तु । तत्र स्वामी भवेद्दण्ड्यो हिंसायां द्विशतं दममिति" (अ. ८ श्लो. २९३) **मनोर्**यत्र सारथेरकौशल्याद्यानमन्यथा व्रजति तत्र हिंसायामशिक्षित-सारथ्यनियोगस्वामी द्विशतं दाप्यः स्यादित्यर्थस्यानुरोधेनाह । **अप्रवीणेति** । तत्र शेषे षष्ठीत्याह । **गवादिभिरिति** । शेषमाह । **वध्येति** । तत्र तथा वार्थे ह्यर्थमाह । **यद्येति** । **नियोजनेति** बहुव्रीहिः । **विक्रुष्टेऽपि** आक्रोशनेऽपि ।

विशेषमाह । **यदा पुनरिति** । **तदेति** । अन्यथा भावे इति शेषः । **अभियुक्तः** कुशलः । यदि स तादृशस्तदा स एवोक्तं द्विशतं दंडं वक्ष्यमाणं च 'मनुष्यमारणे' इत्यादिना तं सर्वमर्हति न स्वामीत्यर्थः । किंच—

" युग्यस्थ्याः प्राजकेनाप्ते सर्वे दण्ड्याः शतं शतम् । स चेत्तु पथि संरुद्धः पशुभिर्वा रथेन वा ॥ "
" प्रमापयेत् प्राणभूतस्तत्र दण्डोऽविचारितः " । इति **मनुः** । (अ. ८ श्लो. २९४।२९५)

अकुशले तस्मिन् स्वामिसारथिभिन्ना अन्येऽपि यानारूढा अकुशलसारथिकयानारोहणात् सर्वे प्रत्येकं शतं शतं दंड्याः । स चेत् **प्राजकः** प्रचुरगव्यादिभी रथांतरेण वा संरुद्धः स्वरथ-गमनानवधानात् प्रत्येकसमर्पणं क्षमः तुरगैः रथेन रथावयवैर्वा प्राणिनो व्यापादयति तत्राविचारिता दण्डः कार्य एवेत्यर्थः ।

विशेषांतरमाह । **प्राणीति** । तस्मादपीत्यर्थः । उक्तसर्वस्थले एवेति भावः । **मनुष्य-मारणे** प्राजकस्यानवधानाद्यानेन कृते शीघ्रमेव तद्वत् **किल्विषी** दंडवान् भवेत् । किल्विषमिति पाठान्तरम् । तत्र चौरदंड उत्तमसाहसरूपो भवेत् । न तु मारणरूपः, अग्रे 'अर्धमिति' श्रवणात् । गवादिषु महत्सु प्राणिषु हतेषु उत्तमसाहसस्यार्द्धपंचशतात्मको भवेत् । क्षुद्रकानां पशूनां अपचितपरिमाणकाः क्षुद्रकाः । तत्त्वं च वयसा जातिस्वभावतो वा । तत्राद्या वत्स-किशोरादयः, अन्त्या अजादयस्तत्रांत्येषु वक्ष्यमाणत्वादाद्यानामेवात्र ग्रहणम् । तथा च वत्स-किशोरादीनां मारणे द्विशतो दंडः स्यात् । **शुभेषु** आकारतो लक्षणतश्च **मृगेषु** रुरुपृषतादिषु **पक्षिषु** च शुकहंससारसादिषु हतेषु पंचाशद्दंडो भवेत् । स्वार्थे कः । द्वंद्वोत्तरपदको द्वंद्वः । गर्दभ-छागैडकादीनां तु मारणे रूप्यं पंचमाषपरिमितो दंडः स्यात् । सौवर्णमानग्रहणं तु तत्र उत्तरोत्तरं लघु-दण्डोक्तेः । श्वसूकरनिपातने रौप्यमाषपरिमितो दंडः स्यादित्यर्थः । पंचमाषको माषक इति पाठः । परिमाणे कन् । पंचमासिकादि पाठे 'अत इति ठन्' (व्यां. सू. ५-२-११५) ॥ ३०० ॥

याज्ञवल्कीये ३०१ श्लोकः ।

अन्यदप्युच्यते इत्याह । **किंचेति** । एवमग्रेऽपि । जारस्यार्थः **पारेति** । साकाङ्क्षत्वादाह । **निरिति** । एकवचनोपपत्तये तद्व्युत्पत्तिमाह । **पणानामिति** । समाहारद्विगौ तु पंचशतीति स्यादिति भावः । उत्कोचः उपादानजकर इति प्रसिद्धः । तदेवेति व्याचष्टे । **यावदिति** । अनुषंगेणाह । **दंडमिति** ॥ ३०१ ॥

याज्ञवल्कीये ३०२ श्लोकः ।

अनिष्टप्रेति । शेषषष्ठ्या समासः । **अमित्रेति** शत्रुस्तुत्यादेरित्यर्थः । सकृत्तथाकरणे दोषाभावाय । **प्रार्थमाह** । **प्रकर्षेति** । तस्याप्यर्थमाह । **भूय इति** । तस्यैवेत्यस्य व्याख्या **राज्ञ इति** । णिन्यर्थमाह । **शीलमिति** । तन्मंत्रेति व्याचष्टे । **तदीयेति** । राजकीयेत्यर्थः । स च द्विविध इत्याह । **स्वराष्ट्रेत्यादि** । परस्य राष्ट्रपक्षयोः क्षयकरणस्येत्यर्थः । कृञो हेत्विति टः (व्या. सू. ३।२।२०) परराष्ट्रापक्षयकरेति पाठान्तरम् । तस्य भेदनासंभवादाह । **मित्रेति** । तस्य राज्ञः शत्रुकरणेष्वित्यर्थः । विशेषमाह । **कोशेति** । **राज्ञ इत्यादि** । **राज्ञ इति** । नित्यसाकांक्ष्यत्वादेकदेशान्वयः । **प्रतीति** धर्मपरं तस्य प्रतिकूल्यविषये इत्यर्थः । **उपजापकाः** प्रोत्साहकाः । 'घातयेदिति' स्वारस्यात् क्रमेणाह । **सर्वस्वेति** । तथा च घातो नाश इति बोध्यम् । तत्राद्ये विशेषमाह । **सर्वस्वेति** । तत्रापि विशेषमाह । **चौर्योपेति** । आयुधैः जीवंति ते तथा वाह्यैर्वहनीयैर्बलीवर्दादिभिर्ये जीवंति ते तथा तद्वित्तम् । अत्र वाह्यग्रहणमुपलक्षणमित्युक्तम् । **वाह्यादीनीति** । वेश्याद्युपस्त्रीणां तद्विदां तज्ज्ञानां, वाद्यश्चातोद्यश्च तदादि । यद्यपि ' चतुर्विधमिदं वाद्यं वादित्रातोद्यनामकमिति ' **अमरात्** (१।७।५) पर्यायता तथापि वीणादि सर्वत्वाद्यवांतरभेदाभिप्रायकं पृथगुपादानं आनंत्यात् । सामान्येनाह । **यच्चेति** । **कारुकाः** शिल्पिनः । **एतत्** प्रागुक्तमुपकारणत्वावच्छिन्नम् ।

तृतीये विशेषमाह । **ब्राह्मेति** । **गौतमं** मानमाह । **शारीर इति** । आदिग्राह्यं वचने एव व्यक्तं, तच्च प्राग्व्याख्यातम् ॥ ३०२ ॥

याज्ञवल्कीये ३०३ श्लोकः ।

लग्नं विक्रतुरिति शेषे षष्ठीसमासः । एवमग्रेऽपि । अंगं नैकदेश इत्याह । **शरीरेति** । गुरुपदमुपलक्षणमित्याह । **पित्रेति** । अनुमतौ दोषाभावायाह । **राजानुमतिमिति** । आरोहति तस्येति पाठाद्यारोहतश्चेति पाठान्तरम् ॥ ३०३ ॥

याज्ञवल्कीये ३०४ श्लोकः ।

तथेति समुच्चये । भेदनेऽनुक्तं निमित्तमाह । **क्रोधेति** । आदिना लोभादिव्यवहारदशायामपीति भावः । **द्विनेत्रेति** । अत्र समाहारद्विगुः । पात्रादित्वं च तदाह । **नेत्रद्वयमिति** । तत्र योग्यत्वायाह । **ज्योतिरिति** । ननु तेनापि तथोक्तावनिष्टापत्तिरत आह । **गुर्वादीति** । आदिना स्वस्यापि ग्रहणम् । **द्विष्टं** द्वेषविषयस्तदाह । **अनिष्टमिति** । तत्स्वरूपमाह । **संवत्सरेति** । द्विष्टादेशेति कर्मधारय इत्याह । **रूपमादेशमिति** । अदिश्यमानं वचनं भाषते इत्यर्थः । जीवत इत्यस्यार्थमाह । **भोजेति** । विप्रत्वस्य वस्तुतस्तत्र बाधादाह । **यज्ञोपेति** । तेषां त्रयाणां प्रत्येकं तथोक्तिफलविशेषमाह । **श्राद्धेति** । **विप्रवेषेति** । यज्ञोपवीतादिलिंगेत्यर्थः । एवमग्रेऽपि । क्वचित्तथापाठ एव । विशेषान्तरमाह । **वृत्त्यर्थमिति** । यावदायुर्जीविकावृत्तिः **धारिणः शूद्रस्य** । व्यधिकरणबहुव्रीहेर्गमकसाध्यत्वादाह । **द्विजातिलिंगिन इति** ॥ ३०४ ॥

याज्ञवल्कीये ३०५ श्लोकः ।

दर्शने सभ्यादीनामिति शेषः । दुर्दृष्टानित्यत्र 'मतिबुद्धीति' (व्या. सू. ३।२।१८८) वर्तमाने क्त इत्याशयेन तदर्थमाह । **स्मृत्येत्या[illegible]** । रागेत्याद्युभयान्वयि । 'पुनर्दृष्टेति' व्याचष्टे । **पुनरिति।** पश्चादित्यर्थः । स्वयं राजा विवादविषयभूततद्धनादिति नार्थः । प्रागुक्तयुक्तेरत आह । **विवादेति** । अस्य रागाल्लोभाद्भयाद्वाऽपीत्यनेन प्रागुक्तेन पौनरुक्त्यं परिहरति । **अप्राप्तजेतृदंडेति ।** पूर्वव्यवहारे जितस्तस्य सदोषत्वं यदि विचार्यमाणेऽस्ति तदा दुष्टत्वेन स जयी दण्ड्य इत्यनेन जेतृदंडो विधीयते । वचनांतरेणाप्राप्तत्वादितरांशे तु तेन प्राप्तत्वादनुवाद इति न पुनरुक्तिस्तत्र हि सभ्यमात्रग्रहणं न जयिनोऽपीति भावः ।

विशेषान्तरमाह । **यदा पुनरिति । दोषेण** दोषेणैव । विशेषान्तरमाह । **यदा त्विति ।** उक्तप्रतिज्ञायां मानमाह । **पादो गच्छतीति ।** कर्त्रादीनां सर्वेषामपि पापप्राप्तिप्रतिपादनैतद्वचनबलात् सर्वेऽपि दुष्टत्वेन दंड्या इत्यर्थः । नन्वेकस्यैव पापस्य कर्त्रादीनां पादरूपांशतः प्राप्तेरितिलाभेन दंडोऽप्येतेषामेक एव स्यान्न पृथक् पृथक् इत्यत आह । **एतच्चेति ।** उक्तवचनं चेत्यर्थः । अस्य वचनस्य दोषप्रतिपादने तात्पर्यं न त्वंशतो दोषप्रापणे इत्यर्थः । उक्तेऽर्थे न्यायस्य **जैमिनीय**मानत्वं सूचयन् हेतुमाह । **कर्तृसमेति ।** इतःप्राक् यथोक्तमित्यपपाठः । 'शास्त्रफलं प्रयोक्तरि तल्लक्षणत्वादिति' **जैमिनीय**न्यायेन यः कर्ता तस्मिन्नेव फलं संमतमिति लभ्यते । तत्र फलं द्विविधं ऐहिकं पारलौकिकं च। तत्र प्रकृते ऐहिकं धर्मशास्त्रोक्तदंडादि पारलौकिकं नरकादि । एवं स्थिते "रागाल्लोभादि"त्युपक्रम्य "सभ्याः पृथक् पृथक् दंड्याः" इति प्रतिपुरुषमैहिकदंडरूपसंपूर्णफलसंबंधविधानादपूर्वस्य च यत्र कर्तरि स्वयमुत्पन्नं तत्रैव फलोत्पादकत्वस्वभावकत्वात् प्रत्येकं समग्रफलसंबंधविध्यनुपपत्त्या प्रत्येकं समग्रदुरितापूर्वसंबंध इति भावः ॥ ३०५॥

याज्ञवल्कीये ३०६ श्लोकः ।

वर्तयितुः । वादिप्रतिवाद्यन्यतरस्य उद्धृत्यादिना इति भावः । **अपिर्युक्त**मे इत्याह । **पराजितो ।** लिङर्थो विवक्षित इत्याह । **मन्यत इति ।** आयांतमित्यस्य व्याख्या **कूटेति ।** आदिना तथासाक्ष्यादिपरिग्रहः । **पुनः** पश्चात् । एवमग्रेऽपि । **धर्मेति ।** तन्निर्णयस्थानमित्यर्थः । "अधिशीङिति" (व्या. सू. १।४।४६) कर्म । स्वं तेनाधर्मे कृतेऽपि स्वयंधर्मो न कार्यो दोषादित्याह । **धर्मेणेति** । विरोधं परिहर्तुं सविशेष**नारद**संमतिमाह । **नारदेति** । तीरितमित्यस्य व्याख्या **साक्षीति ।** आदिना भुक्त्यादिपरिग्रहः । **अन्विति** अगृहीतदंडमित्यर्थः । अनुशिष्टमित्यस्य व्याख्या **उद्धृतेति** । गृहीतदंडमित्यर्थः । तथा निर्णयपूर्वकमिति भावः । तदाह । **दण्डेति ।** विधर्मत इत्यत्र तृतीयांतात्तसिः । अधर्महेतुकं मन्यते इत्यर्थः । तमिति शेषः । **आस्थाय** दापयित्वा । **पुनः** पश्चात् । **उद्धरेत्** निश्चिनुयात् ।

ननु **नारद**तो निर्णीतस्यापि व्यवहारस्य तथा सति दंडावष्टंभपुरःसरं पुनः करणं प्रतीयते, **मानवे** तु तद्वैपरीत्यमिति मिथो विरोध इत्याह । **यत् पुनरिति ।** यत्र क्वचन धर्माधिकरणे यद्व्यवहारपदं धर्मतस्तीरितं "पारतीरः कर्मसमाप्तौ" तथा निश्चितं असौ न पुनः प्रवर्तते इति । यच्च न

केवलं वा सत्यत्वेनोक्तं किन्त्वनुशब्दोत्तरं शिष्टं च स दंडं च कृतं तत् प्राज्ञो राजा कृतमेव विद्यान्न पुनर्निवर्तयेदित्यर्थः । परिहराति मानवमित्यर्थः । अग्रेऽस्यान्वयः ।

तत्रादौ **नारद**तात्पर्यमाह । **अर्थीति** । वर्तत्वं निष्पन्नत्वं अत एव तत्र विधर्मत इत्युक्तम् । **पुनः** पश्चात् । **मनु**तात्पर्यमाह । **न पुनरिति** । नास्तीत्यर्थः । अत एव तत्र धर्मत इत्युक्तम् । धर्मतो व्यवहारो निर्णीत इति निश्चयेन पुनस्तथेति **मनु**तात्पर्यम्, धर्मतो निर्णीतं न वेति संदेहे तु पुनस्तथेति **नारद**तात्पर्यं, तथा च **नारदीयं** संशयविषयं **मानवं** निश्चितविषयमिति भावः ।

विशेषमाह । **यत्पुनरिति** । **न्यायापेतं** तद्रहितम् । न्यायापेतत्वे हेतुरज्ञानकृतामिति पुनः करणे हेतुमाह । **अन्यायविहितमिति** । अन्यायविहिते तदपीत्यर्थः ॥ ३०६ ॥

याज्ञवल्कीये ३०७ श्लोकः ।

गृहीतेति । अन्यायेन गृहीतस्य दंडरूपस्य धनस्येत्यर्थः । क्वचिद्दण्डस्येत्येव पाठः । अन्यायेनेति छेद इत्याह । **अन्यायेनेति** । तत्र निमित्तमाह । **लोभेति** । वरुणाय निवेद्येत्यस्यार्थमाह । **वरुणायेद-मिति** । न ममेति शेषः । **स्वयं** स्वयमेव । दोषख्यापनार्थमिदम् । न्यूनतां परिहराति । **यस्माच्चेति** । **चः** समुच्चये व्युत्क्रमे च । विपक्षे बाधकमाह । **इतरथेति** । तददाने इत्यर्थः । ननु दंडस्वामित्वं राज्ञ एवेति क्रमापहारदोषोऽत आह । **अन्यायेति** । सतिसप्तमी । एवं च परस्वग्रहणं तथेति बोध्यम् । यत्तु **मनु**नोक्तम् । (अ. ९ श्लो. २४४।२४५)

" अप्सु प्रवेश्य तं दंडं वरुणायोपपादयेत् । श्रुतवृत्तोपपन्ने वा ब्राह्मणे प्रतिपादयेत् ॥
" ईशो दंडस्य वरुणो राज्ञां दंडधरो हि सः । ईशः सर्वस्य जगतो ब्राह्मणो वेदपारगः ॥ " इति ।

तत् पातकविषयं न्यायगृहीतविषयं च । अत एव—(**मनु**. अ. ९ श्लो. २४३)

" नाददीत नृपः साधुर्महापातकिनो धनम् । आददानस्तु तल्लोभात्तेन दोषेण लिप्यते ॥ " इति पूर्वमव्यवहितम् ॥

" यत्र वर्जयते राजा पापकृद्भ्यो धनागमम् । तत्र कालेन जायंते मानवा दीर्घजीविनः ॥
" निष्पद्यंते च सस्यानि यथोक्तानि विशां पृथक् । बालाश्च न प्रमीयंते विकृतं न च जायते ॥ "
(**मनुः** अ. ९ श्लो. २४६।२४७) ।

इत्यग्रे च तथोक्तम् । प्रवेश्य प्रक्षिप्य वरुणायेदमिति प्राग्वत् । ईश इति पूर्वस्य प्रतिपत्ति-विधेरर्थवादोऽयम् एवमग्रीयावपि । जायंते इति वर्तमानवचनमविवक्षितम् । विकृतं करणादि-हीनत्वमित्यर्थः । इति शिवं० ॥

इति श्रीमन्मिताक्षराव्याख्याने **महादेवभट्टात्मजोमाङ्कवैजनाथार्द्धंग-भूतलालाकृष्णजननि पायगुंडोपाख्य श्रीलक्ष्मीदेवी-**
विरचिते लक्ष्माभिधे व्यवहारप्रकरणं
समाप्तम् ।

॥ श्रीरस्तु ॥

एतत्पुस्तकोद्धृतऋषिवचनानां सूची ।

एतत्पुस्तकोद्धृतन्यायानां सूची । (२)

व्याकरणसूत्राणां सूची । (४)